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THE

PUBLIC ECONOMY

OF

ATHENS,

IN FOUR BOOKS;

To which is added,

81540

A DISSERTATION

ON THE

SILVER-MINES OF LAURION.

TRANSLATED FROM THE

GERMAN OF AUGUSTUS BOECKH.

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THE

PUBLIC ECONOMY

OF

ATHENS.

BOOK III.

(1.) THE Revenues of the Athenian State may, in like manner with its Expenditure, be classed under two divisions, the one comprising the regular income, from which were defrayed the current expences in time of peace; the other including all extraordinary resources for the preparation and maintenance of war. The present being the first attempt which has been made to investigate this subject, it will be necessary at the outset to ascertain what

In the following enquiries I have been nearly unassisted by the labours of any predecessor, with the exception of what had been written on the subject of the Liturgies, and what Manso (Sparta, vol. II. p. 493—505.) had adduced in reference to the period of the Peloponnesian war. The errors of this last dissertation I have sometimes mentioned, and others I have passed over in silence, as they are not of great importance in a writer who is treating of a totally different subject. After the completion of my labours, the second volume of Becker's "Demosthenes as Statesman and Orator" appeared, which contains something on the subject of finance, as well as on the judicial and military systems: without annoying the intelligent author with unreasonable censure, or wishing to raise myself unjustly above others, I may assert with truth, that I derived no information

species of Revenues were thought by the Greeks to be the best, and what Taxes to be most easily borne by the people. Of all taxes, none are more repugnant to notions of liberty (not in a general sense only, but also according to the principles entertained by the ancients) than taxes upon persons. At Athens it was a recognized principle, that taxes were to be imposed upon property, and not upon persons[2]; and the property of the citizen was only taxed on occasions of emergency, or under an honourable form. In the State of Athens, and doubtless in all the other Grecian Republic, no direct tax was laid upon property, except perhaps a duty on slaves, and the extraordinary war taxes, together with the liturgies, which latter were considered a mark of distinction. In Republics there was no regular land tax or tithe (δεκάτη), and with the exception of the sacred and national property, no land in Attica was, after the early times of this State,

from it, nor did I feel myself inclined to refute him, as I am convinced that the author will himself perceive the incompleteness of his investigations. The following singular production may also be mentioned: "De l'économie des anciens gouvernemens comparée à celle des gouvernemens modernes, par M. Prevost, Mémoire lû dans l'assemblée publique de l'académie royale des sciences et belles-lettres de Prusse, du 5. June 1783. Berlin 1783. 8." The author of this memoir, who has distinguished himself in other departments of literature, here, from want of knowledge, wanders into vague generalities, and loses himself in idle disquisitions without value or foundation. In this contemptible Memoir, publicly read before an academy of sciences, I do not remember to have met with any thing of importance, but the truly anti-Xenophontean and philanthropic proposal, to change a number of Sundays into working-days, in order to promote the prosperity of the people!

[2] Demosth. in Androt. p. 609. 23.

[illegible] and even at that remote
[illegible] paid into the public treasury,
[illegible] right of proprietors of the
[illegible] were equally unacquainted
[illegible] the existence has been supposed
[illegible] of a passage in an ancient author[3].
[illegible] regular revenues were necessarily
[illegible] the public possessions or domains:
[illegible] rents there were [illegible] taxes which
[illegible] habitants, and direct taxes which fell
[illegible] were also the justice fees and fines.
[illegible] these domestic imposts, Athens con-
[illegible] of the confederates a peculiar source
[illegible] which at its first establishment was the
[illegible] power, though afterwards it became an
[illegible] of her destruction. All the regular Re-
[illegible] may thus be brought into the following

[illegible] from which it might be
[illegible] there existed a land tax, I will examine in this
[illegible] Inscription in Chandler (II. 108.), according
[illegible] decree of the Borough Piræeus, certa
[illegible] granted to Callidamas of Chollida
[illegible] words occur: τελεῖν δὲ αὐτὸν τὰ αὐτ
[illegible] καὶ μὴ ἐκλέγειν παρ' αὐτ
[illegible] From this it is evident, that whoever
[illegible] in a Borough to which he did not belong
[illegible] or ἐγκτήσεις: this however was a
[illegible] and not to the State; and the reason of
[illegible] that the proprietor was not a member of
[illegible] With regard to the γέλη, they refer un
[illegible] and the extraordinary taxes, together
[illegible] raised by the corporations. Taxes on hou
[illegible] in States under a tyrannical governm
[illegible] more will be said in the fourth book.

four classes: Duties (τέλη), a
mains, including the mines, pa
and some taxes upon industry
tended to the aliens and slaves
with justice fees and the proce
(δημιόπρατα); Tributes of th
(φόροι); and regular Liturgies (
comprehend nearly all the d
which Aristophanes ascribes to the
he mentions duties (τέλη), the other h
ἑκατοστάς), tributes, Prytaneia (in whi
racy of a poet, he includes the fines),
and confiscations: besides these he specif
of revenue, respecting which no certain i
given. With the single exception of th
enumeration would apply with equal trut
States of Greece. Even the liturgies, wh
were considered as an institution peculi
nians, and the extraordinary pro
at least to all democracies, and were even
tocracies or oligarchies. Aristotle
, that under a democracy the clu
essed either by dividing their
incomes by liturgies.

qq. where μισθοὺς creates a difficulty.
pay for the soldiers, which Athens received
in addition to the tributes, as e. g. to the Ste
Egestæans: it might however signify th
μισθοὶ for μισθώσεις is correct Greek. The
Xenoph. Œcon. 2. 6.) cannot be meant, and
ave suited the purpose of Aristophanes to mean
ore than the εἰσφορά.
5.

[illegible] ple, collected property taxes; [illegible] at Byzantium, the population [illegible] Athenian[6]; with property taxes, [illegible] in Siphnos[7]; is nothing more [illegible] have been expected; but at [illegible] as in existence even before the [illegible] tilene during the Peloponnesian [illegible] time of Pelopidas and Epaminon- [illegible] enus at a very early period[11]. At [illegible] citizens performed the trierar[illegible] [illegible] at Athens, their expences bein[illegible] [illegible] who were less rich than themselv[illegible] [illegible] latter became their debtors, as at [illegible] advance of the property tax (προει[illegible]

[illegible] Byzantians in Demosth. de Coro[illegible]

[illegible] 17.

[illegible] 83.

[illegible] de Herod. Caste p. 744.

[illegible] IV, 5.

[illegible] Aristid. 1.

[illegible] pt. ap. Melet. Geograph. Μύριχος [illegible] τους (l. Πολυ- [illegible] Ἀρμόνομος Διογίτωνος (l. Διογίτονος) ἄνθρεσσι χοραγείσαντες, [illegible] Διονύσου (l. Διονύσυ) ἀνέθηκαν Τίμων[illegible] ἄρχοντος, αὐλίοντος . . [illegible] δοντος Ἀλκισθένιος. The resemb[illegible] e in the language [illegible] that the following Inscription is a[illegible] Orchomenian, which [illegible] ted to be Doric by Visconti in [illegible] eux Mémoires sur les [illegible] ages de Sculpture dans la Collection de M. le Comte [illegible] gin, p. 141. Ἀλεύας Νίκωνος, Καφισόδωρος Ἀγλαοφαίδαο ἄν- [illegible] χοραγίοντες, νικάσαντες Διονύσῳ ἀνέθεταν (ἀνέθεσαν, as Ἀρτεμίτιος [illegible] Ἀρτεμίσιος) Ἀθανίαο ἄρχοντος, αὐλίοντος Κλεινίαο, ᾄδοντος Κράτωνος. [illegible] similar Inscription is mentioned by Clarke (Travels, vol. II. part III, p. 166.), who does not however communicate it. The language is Bœotico-Æolic.

[illegible] Aristot. Polit. V, [illegible]

and, lastly, we find the [illegible]
tended through the Greek [illegible]

What I have here [illegible] of revenues in the [illegible] introduction to the [illegible] buted to Aristotle. [illegible] into four kinds; [illegible] Satraps, the Political, and the [illegible] he calls the greatest and most simple [illegible] s and easy; and the last the [illegible] erable. To the royal he assigns [illegible] e, exportation, importation, and [illegible] to money, he tells us, the king [illegible] ion of coin is to be issued, and who [illegible] a higher or lower rate. With regard [illegible] tation, what quantity and at what [illegible] from the Satraps as a tax in kind [illegible] ed should be disposed of, [illegible] branches should be retrenched, and [illegible] ther the king should put [illegible] or in [illegible] Economy of Satraps comprises [illegible] descriptions of revenues, arising from land; from [illegible] liar products of the soil; from places of trade [illegible] duties (ἀπὸ τελῶν); from cattle; and from sundries [illegible]; first and best is the land tax, or tithe (ἐκφόριον[13], [illegible] the second is from gold, silver, brass, &c.; the [illegible] relates to harbour dues, and other port duties; the fo[illegible]

[13] Ταγὴ is the tax appointed to be paid to the king. See the passage of Hesychius in Schneider's preface p. IX. The explanation there given by the editor is in my opinion incorrect.

[14] I read ἀπὸ ἐμπορίων.

[15] Cf. Lex. Seg. p. 2[illegible]

land and at markets (ἀπὸ τῶν
ελῶν); the fifth the tax upon
πία, δεκάτη), by which we are not
y paid for the right of feeding
pastures, but a duty upon the
which nature was a tax collected
er, tyrant of Syracuse, with almost
and effrontery[18]; the sixth item com-
κεφάλαιο) and a tax upon industry (χει
subject of the Political Eco
once to the question now
thor is very brief. H
in this case that de
he country, mines th
ed in harbours, and d
lastly, the receipts
τὸ τῶν ἐγκυκλίων); wh
any meanings, some
census, some to the
remove the difficulty b[illegible]jecture[18]; bu

action is related at full length in Pseud-Aristot.

ορίων καὶ δι' ἀγώνων. The last words are evidently
to understand the public games, because they were
nected with markets, is manifestly out of the question.
deen, vol. III. p. 333.) proposes ἀγορῶν; Schneider ἀγο
at then διὰ must be omitted. I conjecture διαγωγῶν, and
derstand transit duties (διαγώγιον Polyb. IV. 52.), which, from
eir not falling upon the inhabitants, might occupy a very high
tation in the Political Economy.

[18] See particularly Schneider's preface, whose conjecture, ἐγκτημάτων, is extremely improbable. The *Political Economy* is the public Economy of cities, which as such, and without reference to Satraps or Kings, to whom they might be subject, were

it evidently means the comm
dities, upon which indirect ta
same manner in speaking of
Economy, after having stated the
which arises from the land, be it
from the other common things (are
that is, from the profits of trade,
come accruing from money placed on
It is upon the whole manifest from th
imperfect as they are that Re
y and indirect taxes were
the Political Econom
Republics belongs.
were detrimental to
often dwelt upon i
aware; and if these
ancient times, th
man always fin
if one is removed
of virtue is ill promo
vice impossible. On the other hand, direct
upon the soil, upon industry, or upon pers
only in cases of emergency, were looked upon
despotic and arbitrary, it being considered as
element of freedom, that the property of the
well as his occupation and person, should be exe
all taxation, excepting only when a free communit
itself, which power is obviously an essential part of liber

free corporations: in these therefore the land tax could not have been considered as one of the best sources of revenue. In addition to which he must also write hypothesis in the following part, where it does not make any sense.

The most ignominious of all impositions was the poll tax, a tax paid only by slaves to their tyrants, or by the deputy of the slaves to the Satrap; or required from subjugated nations by their conquerors: of this description were the taxes levied by the Romans upon the inhabitants of the Provinces[19]. "As the land," says Tertullian[20], "has less value if it is subject to an impost, so are men more degraded if they pay a poll tax; for it is a token of captivity." All persons who were not citizens of a free state, were compelled either to pay a capitation tax, or to forfeit their lives. When Condalus, appointed by Mausolus as governor over the Lycians, a people who delighted in wearing long hair, ordered them to pay a poll tax, in case they failed to supply the king with sufficient materials for the false hair which he pretended to want[21], the demand was in reality most lenient. With equal right he could have required their lives or money as a substitute; for the Great King was sole possessor of the persons of all his subjects.

(2.) The term Duty (τέλος) has sometimes a wider and sometimes a more limited signification: almost every tax, with the exception of the justice fees and fines, is denoted by this name. In this place, where the liturgies and property taxes do not come into consideration, we include under it all revenues arising from the property of the State, from the custom duties levied in the harbours and

[19] Cic. ad Attic. V. 16.

[20] Tertull. Apolog. 13. The indiction by *capita*, which from the time of Diocletian, as it appears, and more particularly after Constantine the First, caused great oppression in the Roman Empire, was not a poll tax, but a tax upon landed property, cattle, and slaves.

[21] Pseud-Arist. Œcon. 2. 14.

markets, and the taxes upon persons and industry. All property was either in the hands of individuals, or belonged to corporations, companies, temples, or to the State itself. We also find that the property of certain temples belonged to the boroughs; as, for example, the Borough Piræeus was possessed of the Theseum and other sacred lands; and the State itself must also be considered as the possessor of much sacred property; so that sacred property and the property of the State frequently coincide. But whatever may have been the right by which sacred property of this description was held, the original object for which the sacred demesnes (τεμένη) had been set apart was retained, viz. that the sacrifices and the other expences should be defrayed out of the proceeds; for which purpose, unless the cultivation of it was prohibited by some malediction, it was always let out in farm[22]. The property of the State and of the corporations or temples consisted either in pastures for cattle, or in forests, over which particular inspectors (ὑλωροί) were set[23], or in tillage-land, houses, salt-works, water[24], mines, &c.: what number of possessions of this kind belonged to the State of Athens, besides the property of the temples and the several corporations, it is impossible now to ascertain. The demesnes which once belonged to the kings, cannot be supposed to have fallen into the possession of the State after the abolition of the monarchy; it is more probable that they

[22] Harpocrat. in v. ἀπὸ μισθωμάτων, referring to Isocrat. Areopag. 11. Examples of this occur in many Inscriptions.

[23] Aristot. Polit. VI. 8.

[24] An instance of sacred institutions possessing property in water occurs in Strabo XIII. p. 442. which refers to Asia. At Byzantium the salt and fisheries belonged to the State; at Athens, in part at least, to the boroughs.

remained the private property of the family; much land indeed became the property of the State by confiscation, conquest, and ancient possession; but they frequently sold the confiscated, and lost the conquered territory. All property, both of corporations and of the State, as well such as was sacred as such as was not (ἱερὰ καὶ ὅσια and δημόσια), was let out either in fee farm, or for a term of years, but under such conditions, that the duty accruing to the State was transferred to a farmer-general. This fact is most distinctly seen from the example of Cephisius, as mentioned by Andocides[25]: this person had taken a lease from the State, by virtue of which he collected a tax of 90 minas from the cultivators of the public lands, which money he was to pay to the State. In like manner a farmer of the protection-money (νομώνης, *scripturarius*) existed in Orchomenus[26], as well as in the Roman Empire, who collected the duty from individuals: the State, for the sake of avoiding trouble, and of obviating the necessity of any paid officers, collected none of its own revenues directly, with the exception of the fines and the extraordinary war taxes; whereas in the case of the property of temples and corporations, the duty was never leased to a

[25] De Myst. p. 45. Κηφίσιος μὲν οὗτοσὶ πριάμενος ἀνὴρ ἐκ τοῦ δημοσίου τὰς (as should be read for καὶ from a Breslau MS.) ἐκ ταύτης ἐπικαρπίας τῶν ἐν τῇ γῇ (scil. δημοσίᾳ) γεωργούντων ἐνενήκοντα μνᾶς ἐκλέξας, οὐ κατέβαλε τῇ πόλει καὶ ἔφυγεν. εἰ γὰρ ἦλθεν, ἐδίδετ' ἂν ἐν τῷ ξύλῳ. ὁ γὰρ νόμος οὕτως ἴσχυε κυρίαν εἶναι τὴν [τε] βουλὴν, ὃς ἂν πριάμενος τέλος μὴ καταβάλῃ, δεῖν εἰς τὸ ξύλον. The words ἐν τῇ γῇ have been suspected, but they appear to be genuine; Sluiter's conjectures are wholly inadmissible.

[26] Inscript. in Melet. p. 342. Clarke's Travels, vol. II. part III. p. 152 sq. Thucydides (V. 53.) mentions that the Epidaurians were obliged to pay a duty of this kind to the Pythian Apollo.

farmer-general. It may be observed, that at Athens the rent appears to have been usually fixed in money; exceptions however occur in leases which were held by the tenants on condition of paying a tithe, or of furnishing certain sacrifices for a particular temple, and in the case of certain kinds of property which were encumbered with an obligation to pay a tax of a tenth to the State, probably because they had originally been public property, and had been transferred to private individuals as usufructuary possessors; these tithes of the produce were however sold by the State to a farmer-general[27]. We find that in other countries except Attica, payments of rent in kind were of very frequent occurrence in ancient days. Thus, for example, they occur in the Heraclean tables, which contain a lease of the property of the temple of Bacchus and Minerva Polias granted by the State. The duration of leases was probably very unequal in different cases; the Orchomenians, in an instance which has been preserved to our days, granted the usufructuary right to the public pastures for a term of four years; the Borough Piræeus let its property for ten years. Upon the whole however we have not a sufficient number of individual cases to enable us to draw any general inference; for the number of accounts upon this question which we now possess, is extremely scanty; and we have scarcely any information on the subject of lettings, except those which regard the sacred property of the State. An example, in addition to that quoted from Andocides, is given by Ælian[28], who

[27] The only mention that I have as yet met with of a similar tax of a tenth belonging to the State occurs in Inscript. 76. ed. Boeckh.

[28] Hist. Var. VI. 1. It may be also thought that the revenue from public lands in Attica is signified in Thucyd. VI. 91. by

relates, that Athens had let the public domains of the Eubœan Chalcis, with the exception of the land dedicated to Minerva, and necessarily of that which had been granted to the Cleruchi: the public documents of this transaction were preserved at Athens in inscriptions set up in front of the royal porch. Over many possessions of this kind separate officers were placed, as, for instance, the managers chosen from among the Areopagites (ἐπιμεληταὶ, ἐπιγνώμονες), who were appointed to the care of the sacred olive-trees (μορίαι), the produce of which was paid as a rent[29]. According to Demosthenes[30], it was the duty of the Demarch to enforce payment of the rent for the property of the temples; this statement however doubtless refers only to the property of the boroughs. Other rents were received by officers employed by the State or the temples, according as they arose either from public or sacred property. As prior to the introduction of the Demarchs, the Naucrari performed the duties of this office, we find that the exaction of the public monies, as

the words ἀπὸ γῆς; but the incomes received by private individuals from their estates may be understood there with equal reason.

[29] Lys. Apolog. ὑπὲρ τοῦ σηκοῦ, p. 260. Comp. Markland's notes, p. 269, 282. The decree of the Emperor Hadrian, with regard to the payment of the third or eighth part of the produce of the olive trees (Spon's Travels, vol. III. part II. p. 24. Wheler's Travels, p. 389.) does not refer to public but to private property; of which that part was to be allotted to the public use, and was of course to be paid for. It is therefore a forced sale to the State of Athens, as was the case in the Roman Empire with wine and corn in the time of the Emperors. Cf. Burmann. de Vectig. P. R. 3.

[30] In Eubulid. p. 1318. 20.

well as the letting of the public property, are enumerated among their duties[31].

Xenophon expressly mentions houses among the tenements which were rented from the State[32]; the same description of property was also sometimes held by sacred corporations, and let by them to tenants, having been in many cases derived from free-gift or confiscation. Thus the temple of Apollo at Delos let property of this kind together with its other domains[33]; and other companies probably did the same. The Mendæans, says the unknown author of the Œconomics[34], applied the harbour duties and other taxes to the uses of Government; the taxes on land and houses they did not collect, but kept an account of those who possessed such property; and when there was a want of supplies, they raised it from these debtors, who profited by this indulgence, having had the use of the money in the mean time, without paying any interest. From this it has been inferred that both a land and a house tax existed; but it is evident that the writer only means the public lands which were held in lease from the State, and that the rent was left unpaid without interest, in order that a fund might accumulate which could be used on occasion of need, and at the same time a greater profit be allowed to the tenants. It may be moreover observed that the houses at Athens were let to con-

[31] Ammon. in v. *παύκληροι*; Phot. in v. *παύκραροι*.

[32] De Vectig. 4. *τεμένη, ἱερὰ, οἰκίας*. The middle word is obscure. Might not the revenue derived from the sacrifices have been let in farm, and been signified by the word *ἱερὰ* (*sacra*, temples or sacrifices)? At least the theatre was let out in this manner, which to a certain point was sacred property.

[33] Inscript. 158. §. 4. ed. Boeckh.

[34] 2. 21. ed. Schneid.

tractors (ναύκληροι); which name also signifies landlords (σταθμοῦχοι); for they afterwards sublet the houses to lodgers, in the same manner as private proprietors[35]. This is probably the meaning of the singular expression of the grammarians[36], who state, that persons were called by the same appellation (ναύκληροι), who were hired to attend to the collection of the house rent. The truth is, that the subletting was transferred to them as contractors, from which they obtained their profit, and so far they might be considered as hired servants of the proprietor. It has been already remarked that the tenants of houses paid their rent to the State by Prytaneas, and not by the month[37]; whether however in every Prytanea, or only in some Prytaneas, as the other farmers of duties, I will not attempt to decide.

All these leases were sold by auction to the highest bidder; and for this purpose the conditions of lease were previously engraved upon stone, and fixed up in public. The names of the lessees could be subsequently added; so that the document which had been originally exhibited then became a contract of rent, or, if not, a fresh agreement was afterwards set up. A notice or advertisement, the date of which is Olymp. 114. 4. or 115. 3. mutilated at the end, by which the Borough Piræeus offers some property to be let, may, as far as it is intelligible, be translated nearly word for word as follows[38].

"In the archonship of Archippus, Phrynion being Demarch.

"The Piræeans let Paralia and Halmyris and the The-

[35] Comp. above book I. 24.

[36] Harpocrat. Suid. Ammon. Lex. Seg. p. 282, &c.

[37] I. 24.

[38] See note (A) at the end of the book.

seum and all the other sacred lands, upon the following conditions. That the tenants for more than ten drachmas are to give sufficient security for the payment of the rent, and those for less than ten drachmas are to provide a surety, whose property shall be liable for the same. Upon these conditions they let the lands tax and duty free. And if any property tax be imposed upon the farms according to their valuation, the burghers will pay it. The tenants shall not be allowed to remove wood or earth from the Theseum and the other sacred lands, nor [damage] whatever wood there is in the farm. The tenants of the Thesmophorium and the Schœnus and the other pasture lands, shall pay half the rent in Hecatombæon (the first month), and the other half in Posideon (the sixth month). The tenants occupying Paralia and Halmyris and the Theseum, and any other grounds that there may be, shall cultivate them for the first nine years in whatever manner they please, and is according to custom; but in the tenth year they shall plough the half of the land, and no more, so that the succeeding tenant will be able to begin preparing the soil from the 16th of Anthesterion. And if he shall plough more than half, the excess of the produce shall be the property of the burghers."

After this there follows a stipulation that the tenant shall receive a house connected with one of the farms in good repair. In another fragment containing conditions of lease, in one of which a tribe proposes to let some lands, probably sacred lands[39], the payment of the rent is divided into three instalments, at the beginning of the year, in the seventh and in the eleventh month. The theatres were let in the same manner as landed property, a proof

[39] Inscript. 104. ed. Boeckh.

of which is given in another Piræean inscription[40]. According to this document, the lessee of the theatre is bound to keep the building in proper repair, for which reason he is called the chief architect[41]; his receipts were doubtless derived from the entrance money of such citizens as were furnished with it by the State, and of all aliens, who had not, like the ambassadors, free admission. The rent paid by the tenant of the theatre of Piræeus, was, in the instance which has come down to us, 3300 drachmas: the Borough Piræeus, as proprietor of the theatre, presents with crowns the lessees and a person named Theiæus, who had succeeded in increasing the rent by 300 drachmas[42]. Another item deserving of mention is the money bearing interest, which not the State only, but temples, and perhaps also corporations, were possessed of. Thus from the funds belonging to the Delian Apollo, large sums of money had been lent to States, and bankers, or other private individuals[43]; some Corcyræan nobles consecrated a considerable sum for sacred uses, that the interest which it produced might be expended in the celebration of games to Bacchus[44]; and the temple of Delphi also appears, according to Demosthenes, to have lent out some of the sacred money[45].

[40] Chandler II. 109.

[41] Comp. above book II. 13.

[42] At the end of the Inscription the names of the farmers, and how much each gave, are mentioned: the ὠνηταὶ (which Chandler absurdly joins to the preceding word συνθῆκαι) are, Aristophanes with 600 drachmas (the P in the Inscription should be omitted, which neither has nor can have any sense), Melesias with 1100, Arethusius with 500, and Œnophon with 1100 drachmas.

[43] Inscript. 158. ed Boeckh.

[44] Inscript. ap. Montfaucon. Diar. Ital. p. 412.

[45] Demosth. in Mid. p. 561. in the account of the Alc-

(3.) The mines (μέταλλα) belonging to the State of Athens were partly native, and partly foreign. The most considerable were the silver mines of Laurium[46], from which the nation derived very considerable advantages, as by their means Themistocles first raised the naval force of Athens to a state of importance. They extended from coast to coast, in a line of seven English miles, from Anaphlystus to Thoricus. The working of them had been commenced at an early period, and it appears to have been very profitable in the time of Themistocles; they had however already become less productive in the age of Socrates and Xenophon, and before the age of Strabo had been so entirely exhausted, that in his time they only used the earth which had been previously extracted, together with the old scoriæ, and all farther mining was discontinued. The ores contained silver and lead, with zinc, and possibly copper; but no gold, at least not enough to allow the ancients, with their imperfect processes of separation, to have extracted it with profit. At Thoricus spurious emeralds occurred in combination with the ore; also the cinnabar, which was found there, and the Athenian sil, a substance much prized for dying, were equally valuable. The mines were worked with shafts and adits, and by the removal of whole masses, so that supports alone (μεσοχωνεῖς) were left standing. The processes of fusion carried on in the furnaces appear, upon the whole, to have been the same as those

mæonidæ. Of this fact however Herodotus (V. 62 sqq.) knew nothing.

[46] Upon these mines I have treated at full length in the Transactions of the Academy of Berlin for the year 1815; in which will be found the proofs of all the points which I have here selected as most worthy of notice. (A translation of this Essay is given at the end of this volume.)

employed in the other mines which were worked in ancient times. The People or the State was sole proprietor of the mines; but they were never worked at the public expence, nor did the State ever let them for a term of years, like other landed property; they were always granted to private individuals in fee-farm, and these leases were transferred from one person to another by inheritance, sale, and every kind of legal conveyance. The sale of the mines (that is, of the right of working them) was managed by the Poletæ; this right was purchased at an appointed price, in addition to which the possessor paid the twenty-fourth part of the net produce as a perpetual tax. The purchase-money was paid directly to the State; the metal rents were in all probability let to a farmer-general. The amount of the money obtained from both sources (to which must also be added a small income accruing to the State from the market and the public buildings), necessarily depended on a variety of circumstances; such for example as the number of mines let in the course of the year, the comparative richness or poverty of the veins discovered, or the degree of activity with which the mining was carried on. In the time of Socrates, these mines produced less than at an earlier period: when Themistocles proposed to the Athenians to apply the money accruing from the mines to the building of ships, instead of dividing it, as before, among the people, the annual receipts appear to have amounted to 30 or 40 talents; although the accounts relating to this point are extremely indistinct and uncertain. Citizens and Isoteles were alone entitled to the possession of mines. The number of the possessors was evidently considerable; and, like the agriculturists, they were considered as a separate class of producers; sometimes they possessed several shares, sometimes only

stone. The common price of a single share was a talent, or rather more; occasionally several partners occur as the joint possessors of a mine. The manual labour was performed by slaves, either belonging to the possessors of the mines or hired; the slaves thus employed by the mine-proprietors were extremely numerous, and although the cheapness of their labour diminished the expences of mining, the improvements of art in facilitating and abridging the processes of labour were retarded. The security of this possession was firmly guaranteed by severe laws; and the rights of the State were strictly maintained. There was a mining law (μεταλλικὸς νόμος), and a particular course of legal proceedings in cases relating to mines (δίκαι μεταλλικαὶ), which, for the greater encouragement of the mine-proprietors, were in the time of Demosthenes annexed to the monthly suits. The mines were also free from property taxes, and did not subject the possessor to the performance of liturgies, nor were they transferred in the ἀντίδοσις, or exchange of property; immunities, which did not arise from any wish to encourage the working of mines, but were founded upon their tenure from the State; for they were considered as public property let to usufructuary possessors in consideration of a fixed rate of payment, like the duties paid by the farmers; and no property which was not freehold, and exempt from any rent or duty, subjected the possessor to liturgies and property taxes. In what manner the stone quarries were regulated, in which the finest varieties of marble were found [47]; and which by the ancients [48] were also considered as mines, I have been unable to ascertain.

[47] Caryophilus de Marmoribus p. 4 sqq.

[48] E. g. Strab. IX. p. 275. Poll. VII. 100.

That Athens usurped possession of the mines of her subject allies, cannot be assumed in conformity with the whole system of her foreign policy: we must suppose that they every where remained the property of the persons to whom they had belonged previously to the dominion of Athens. The mines in Thrace appear however to form an exception, and to have been immediately dependant upon Athens; it is probable that they were let in the same manner as the Athenian mines, although we have no certain information as to this point. The Thracian gold mines had been first worked by the Phœnicians, together with the mines of Thasos, and afterwards by the Thasians of Paros. The gold mines of Scapte Hyle upon the main-land brought to the State of Thasos an annual revenue of eighty talents. Those of Thasos were less productive; but they yielded so large a sum, that the Thasians, with a complete freedom from all land-taxes, derived from the mines of the island and of the continent, together with the custom-duties collected in the harbours, and perhaps the rents of some lands in Thrace, an annual income of 200 or 300 talents[49]. When the Athenians had established themselves in Thrace, they entered into a contest with the Thasians for the possession of the mines and harbours of the main-land; Cimon captured 33 of their ships in a naval engagement, besieged and reduced the city, and gained for his country the coast, together with the gold mines[50]. Thus the Athenians obtained possession not only of Scapte Hyle, but also of other cities on the main-land, for which, as belonging to the Thasians, these islanders had, in the expedition of Xerxes, borne the

[49] So Herodotus VI. 46. must be understood.

[50] Plutarch. Cim. 14. Thucyd. I. 100, 101. Diod. XI. 70.

expence of provisioning his army[51]: Stryme also, a Thasian commercial town[52], may be referred to this number, for which, when the power of Athens in those regions was broken, Thasos contended with Maronea[53]; doubtless also Galepsus and Œsyme, colonies of the Thasians[54]; likewise Datum, which was also a Thasian town, situated between Neapolis and Nestos, where the Athenians, at the same time that the battle against Thasos took place (Olymp. 79. 1.), fought with the Edoni for the possession of the gold mines[55]. Crenides however does not appear to have belonged to the Thasians in early times, although this town was under their dominion in the 105th Olympiad. It is highly probable that the Athenians at this time, as Thasos had before them, received the revenues of all these towns, as well as of the gold mines: the latter were perhaps partly granted in fee-farm to Athenians, while some of the ancient possessors remained in undisturbed occupation. If as many names of proprietors of the Thracian, as of the Laurian mines, had been preserved, we should be able to speak with more certainty on this point; but the extent of our knowledge is, that Thucydides was possessed of gold mines in Thrace[56]. Even however with regard to Thucydides, it remains doubtful in what manner he became possessed of

[51] Herod. VII. 18.

[52] Herod. VII. 118. Suid. in v. Στρύμη.

[53] The Epistle of Philip in the Oration attributed to Demosthenes.

[54] Thuc. IV. 107. Concerning Galepsus comp. also V. 6. Γάψηλος in Thucydides appears to be a false reading, to examine which my space however does not permit me.

[55] Herod. IX. 75. Cf. Thuc. I. 100. IV. 102. Diod. XI. 70. XII. 68. Pausan. I. 29. 4.

[56] Thuc. IV. 105.

them. If they were situated at Scapte Hyle (at which place Thucydides lived, wrote, and died in exile[57], after it had passed from under the dominion of Athens), they could not have made part of the inheritance of Hegesipyle, the daughter of the King of Thrace[58], from whom Thucydides was descended; for Scapte Hyle belonged not to Thrace, but to Thasos: it is more probable that they were derived from Athens, after Cimon, Thucydides' near relation, had conquered the Thasian territory: but the account most deserving of credit, is, that Thucydides obtained them by marriage with an inhabitant of Scapte Hyle, whose predecessors had been perhaps long in possession of them[59].

(4.) The custom-duties were partly raised from the harbours, partly from the markets (ἀπ' ἐμπορίου καὶ ἀγορᾶς); the former word signified the places for wholesale trade in commodities carried by sea, and the taxes there raised were custom-duties upon export and import, together with certain fees paid for foreign ships lying in the harbour. The markets were attended by the countrymen and retail-dealers (ἀγοραῖοι, κάπηλοι), and the revenues derived from these are the taxes upon the sale of goods consumed in the country, and the fees paid for the right of selling in the market[60]. The latter were probably paid

[57] Plutarch. Cim. 4. and in the Book de Exilio, Marcellinus' Life of Thucydides p. 724, 729. in the great Leipsig edition of Thucydides.

[58] This is the opinion of Plutarch and Marcellinus p. 722. although the contrary statement occurs in the latter writer, the life which bears his name being a mixture of different accounts. Hegesipyle was the wife of Miltiades the Younger.

[59] Marcellin. p. 723. Ἠγάγετο δὲ γυναῖκα ἀπὸ Σκαπτῆς ὕλης τῆς Θρᾴκης πλουσίαν σφόδρα καὶ μέταλλα κεκτημένην ἐν τῇ Θρᾴκῃ.

[60] Upon the difference between merchants (ἔμποροι) and retail

by aliens only, the citizens having liberty to sell their goods there without being subject to any tax. An exemption from the custom-duties was also granted in some instances to private individuals, probably however only for their own consumption; and the persons who possessed it must have been very few in number, for Demosthenes asserts in general of the immunity from duties (ἀτέλεια) that it detracted nothing from the public revenue, whereas if it had been given to many persons, it must have considerably diminished the rent derived from the custom duties[61]. In addition to these taxes, all imports and exports were subject to a small duty of two per cent, or the fiftieth (πεντηκοστή): the grammarians[62] state expressly that all commodities imported into the Piræeus from foreign countries were subject to this duty: that this was the case with imported corn, and manufactured commodities, such as woollen mantles, drinking-cups, and other vessels, we know for certain from ancient writers[63]; that it was paid upon exported cattle, and even on such as belonged to an Athenian Theoria, we learn from the Sandwich in-

dealers Salmasius treats at full length in his Book *de Usuris*. I only mention one important passage, Plat. de Repub. II. p. 370. E sqq. Whether there were really two kinds of Emporia, for foreigners and natives (ξενικὸν and ἀστικὸν), as is stated in Lex. Seg. p. 208. seems to me doubtful. In the same Lexicon p. 255. in v. ἐπιμεληταί, Ἀττικὸν should be restored from Harpocration. Ἐμπόριον Ἀττικὸν frequently occurs in Demosthenes.

[61] Demosth. in Lept. §. 21. ed. Wolf. Concerning the exemption from custom duties see also book I. 15.

[62] Etymol. in v. πεντηκοστολογούμενον, Lex. Seg. p. 297. Lex. Seg. p. 192. 30. Neither Harpocration, Pollux, nor Photius, have any thing of importance on the 50th.

[63] Orat. in Neær. p. 1353. 23. Demosth. in Mid. p. 558. 16.

scription[64]: and if the fiftieth had not been laid upon all exports, how could Demosthenes have referred to the books of the Pentecostologi, to prove that the cargo of a ship which had cleared out from Athens, was only worth 5500 drachmas[65]? Ulpian[66] affirms that arms must have been imported duty free; an assertion which is doubtless correct, if we understand it to refer only to arms which the soldiers used for purposes of war, but can hardly be true of those which were imported as saleable commodities; Ulpian's testimonies generally prove nothing, for they are merely inferences from passages of Demosthenes which he misunderstood. Concerning the import and export by land, I have met with nothing except a passage which will be mentioned presently; they cannot indeed have been considerable; for in Greece, and Athens in particular, the intercourse with other States was chiefly carried on by sea. The duty was paid upon imported commodities at the unlading[67]: and upon exported commodities probably at the shipping; it was collected by the Pentecostologi, who have been mentioned already[68], in money and not in kind, as is proved by the Sandwich inscription, and by the circumstance that the value of the commodities was entered in the books of the custom-duties. As the duty upon corn (πεντηκοστὴ τοῦ σίτου), which was only imposed at the

[64] Inscript. 158. ed. Boeckh.

[65] Demosth. in Phorm. p. 909. The export duty is called παραγώγιον in Philippides the comic poet, Pollux IX. 90.

[66] Ad Demosth. in Mid. ut sup.

[67] Demosth. Paragr. in Lacrit. p. 932. 25 sq. Plaut. Trinumm. IV. 4. 15. where however the Roman custom may be meant.

[68] Besides other passages already quoted with a different view, compare upon this point Athen. II. p. 49. C.

importation, was let out to individuals[69], the fiftieth must have been sold in separate lots to several farmers, according to some very general distinction of the commodities.

To ascertain what sum the State annually received from the fiftieth, is a problem of difficult solution. If the imported corn amounted annually to about a million medimni, as has been assumed in a former part of this work, and if the price of a medimnus is taken upon an average at three drachmas (although it is not known upon what principles the custom-house valuation was made), the farmer of the corn duty received ten talents a year, of which a part must be deducted for his trouble, the expence of collection, and profit. With regard to other commodities little information can be afforded. The only passage on the amount of the fiftieth occurs in the speech of Andocides concerning the Mysteries[70], but it admits of

[69] Orat. in Neær. ut sup.

[70] P. 65 sqq. This passage has for the most part been rightly corrected by Reiske. Cf. Valck. Diat. Eurip. p. 293, and Sluiter's Lect. Andocid. p. 158 sq. Agyrrhius must evidently be read instead of Argyrius; ἄρχων εἷς should be altered to ἀρχώνης, and then write μετέσχον δ' αὐτῷ and λεύκην. Τόπος is manifestly a gloss and should be omitted, and read οὗς, and then ὀλίγου for ὀλίγον from the Breslau MS. The words ὡς πολλοῦ ἄξιον are an interpretation of οἷον, and they appear to me to be a gloss. Concerning γνῶναι I will not decide. I believe however that it might be understood if taken for ὥστε γνῶναι; if not, ὥστε must be added, or the word be altered to γνόντες. Ἀπιλάσας καὶ I would alter with Reiske into ἀπιλάσας δὲ, a various reading, which Sluiter quotes from a manuscript, and is also the reading of the Breslau MS. Lastly, μὲν should be added after βραχέα from the Breslau MS. and the colon after μεταςχόντες changed into a comma. Ἀρχώνης has passed into the Grammarians from this passage. Etymol. and Lex. Seg. p. 202. Ἀρχώνης, ὁ, ἄρχων ὠνῆς οὐτινοσοῦν scil.

so much doubt in the interpretation, that it will be better to let him speak in his own words. "For this Agyrrhius, this model of excellence, was two years ago chief farmer of the fiftieth, which he purchased for thirty talents; and all those persons who were collected round him under the white poplar, had a share in the concern. Upon their characters it is unnecessary for me to make any comment. Their object in assembling there was, as far as I can judge, both to receive money for not bidding higher, and to have a share in the profits, when the duty was sold under its proper price. Afterwards when they had gained two talents, and discovered that the concern was of considerable value, they all combined together, and, giving the others a share, they purchased the same duty for thirty talents; then, as no one offered a higher sum, I myself went to the Senate, and bid against them, until I obtained it for thirty-six talents. Then having driven away these persons, and provided sureties for myself, I collected the required sum, and paid it to the State: nor was I a loser by the speculation, for the sharers in it even made a small profit. Thus I was the means of preventing these persons from dividing among themselves six talents of the public

πραγματος, for example τέλους. Hesychius Ἀρχώνης· ὁ προηγούμενος ἐργολάβων, as has been rightly corrected. To this also the πεντηκόνταρχος belongs (as a friend has corrected for πεντηκόνταρχος) in Lex. Seg. p. 297. ὁ ἄρχων τῆς πεντηκοστῆς τοῦ τέλους καὶ τῶν πεντηκοστῶν (l. πεντηκοστωνῶν). Cf. Phot. p. 301. With regard to the emendation afterwards proposed in the text of ἓξ for δύο, which was first edited by Reiske, it may be observed that it is confirmed by Sluiter's and the Breslau MS. which read τρία for δύο: it was no doubt originally written ΓΙ, from which ΙΙ and ΙΙΙ could easily be derived. [τρία is also the reading of four manuscripts collated by Bekker Orat. Att. vol. I. p. 142.]

money." According to this account the lease was taken by companies: Agyrrhius, and afterwards Andocides, had an association of this kind: at the head of each company there was a chief farmer (ἀρχώνης), who specified the names of the persons of whom it was composed. It was sold by auction to the highest bidder by the Poletæ, with the proviso of the approbation of the Senate, near the white poplar tree: in this instance however it was not the tax on any particular commodity, but the fiftieth in general, which therefore these persons had on this occasion farmed in one lot, and not divided into separate portions. Agyrrhius held the lease in the third year before the delivery of the speech; Andocides received it in the following year, for he took it from Agyrrhius, and in the next succeeding year was involved by the party of this person in the law-suit concerning the mysteries. It has been incorrectly supposed, that a three years' lease is intended, a meaning of which the expression of the writer does not admit[71]. Andocides indeed says, according to the present reading, that Agyrrhius and his company had made a profit of two talents: that he himself offered six talents more than the former company; but that, unless he wished to expose himself to evident loss, the highest offer he could make, was what the company of Agyrrhius had paid and gained at the former letting. From this it might be supposed, that these two talents were an annual profit, and that the company of Agyrrhius had gained six talents in three years, with a rent of 30 talents, which in that case

[71] De Pauw (*Recherches Philos.* vol. I. p. 356.) understood it to mean a rent for three years; Manso (*Sparta* vol. II. p. 504.) for one year. Τρίτον ἔτος means *the third year before*, or *two* years ago.

must have been a three years' rent; for Andocides states that the three years' profit upon this rent, was as much as 36 talents. But, not to mention that the idiom of the language compels us to understand a letting which was taken for the third year before the delivery of the speech, and not a three years' lease, it is not possible that an orator should have made use of such inaccurate language, as to state the rent for three years, and the profit of the lessee only for one, without marking the difference. It is better to correct the number, which is for other reasons uncertain, and to suppose that the profit of the company of Agyrrhius was six talents instead of two. Moreover if this profit and the rent were for three years, the fiftieth would be extraordinarily low, particularly when we consider the export of corn, although even this did not compose the largest part of the whole receipts; the other exports and imports, of cattle and other necessaries, salt fish and flesh, oil, wine, honey, leather, wood, metals, vessels, ointment, rigging, and other kinds of raw and manufactured commodities, would have far exceeded the amount of the duty upon corn: the slaves also must have produced a considerable sum, upon whom, as was the case in the Roman customs, an import duty was also levied[72]. And if the fiftieth, inclusive of the cost of collection, only produced about fourteen talents a year, the value of the commodities imported and exported could not have amounted to more than 700 talents, which is evidently too small a sum. In addition to this, the only duty of which we know with certainty the duration of the lease, viz. the tax upon prostitutes, was only let for a term of one year. We must therefore suppose, that the same was the case with the general letting of the

[72] Lex. Seg. p. 297. 21.

other duties, and assume, according to the words of Andocides himself, that the fiftieth produced to the state from 30 to 36 talents a year; so that the imports and exports, allowing for the profit of the letting and the cost of collection, amounted to about 2000 talents[73]. It must however be remembered, that at this period Athens was not in a flourishing condition, as it was the first year after the anarchy: in prosperous times the custom-duties were probably far more productive. In several other countries the customs were equally considerable, and in some places they yielded a much larger sum. In Macedonia the harbour-duty was generally let for 20 talents; Callistratus raised the rent to 40 talents, by lessening the amount of security; for whereas before his time, each person was obliged to furnish security amounting at the lowest to a talent, which none but the wealthy were able to procure, he permitted the farmer to give security only for the third part, or for whatever smallest portion of his rent he could persuade the people to accept security[74]. Can there be any doubt that a yearly lease is here meant? The harbour-duty of Rhodes amounted before Olymp. 153. 4. to a million drachmas (166 talents) a year: after it had considerably fallen off, it still amounted to 150,000 drachmas (25 talents)[75]. Cersocleptes of Thrace received an annual income of 300 talents from the harbour-duties, at times when commerce was not impeded[76]. Whether Athens collected port duties in other countries, for example, in the harbours of Thasos, which she had obtained by conquest,

[73] Barthélemy (Anacharsis vol. IV. p. 505.) reckons the annual imports and exports not very differently at ten millions of livres.

[74] Aristot. Œcon. 2. 22.

[75] Polyb. XXXI. 7, 12.

[76] Demosth. in Aristocrat. p. 657. 9.

or whether they were transferred to the States of the Cleruchi, I am unable to decide. On the other hand, custom-duties must necessarily have been established by land against Megaris and Bœotia; for at certain times a total prohibition existed against those countries: nothing determinate can however be ascertained. It is related of Oropus, upon the boundaries of Attica and Bœotia[77], that the inhabitants were all plunderers and toll-gatherers, and also raised a duty upon imported goods, being men of the most immoderate avarice. This might certainly be referred to a duty paid upon entrance into the country, which the Bœotians and the Athenians had at different times collected at this spot: but as Oropus is situated on the sea, and as the importation from Eubœa into Attica originally went by way of Oropus, the meaning remains uncertain.

(5.) In addition to the fiftieth which was imposed upon import and export, it is probable that a separate duty was levied upon all vessels (whether they were unladen or not), for the use of the harbours, which had caused so large an expence to Athens; as we know that a duty was collected for permission to deposit commodities in the warehouses and magazines[78]. A harbour-duty (ἐλλιμένιον) and collectors of the harbour-duty (ἐλλιμενισταί) are often mentioned. The latter however appear to have been considered by Pollux[79] as identical with the Pentecostologi. The Pente-

[77] Dicæarchus in the Description of Greece, and the verses of Xenon which he has preserved.

[78] From Xenophon's proposals (de Vectig. 3.) we are justified in assuming that this was the usual custom.

[79] VIII. 132. Other passages in the grammarians, e. g. Lex. Seg. p. 251. give no definite information concerning the Ellimenistæ.

costologi at Athens, like the collectors of the harbour-duties in the Bosporus and elsewhere, and the Roman Portitores, examined the goods, valued them, and entered them in their books[80]: the term harbour-duty is however a general expression, which also comprehends import and export duties, as in the case of the harbour-duty of the Rhodians. From this fact however it does not by any means follow, that a separate duty was not imposed for the use of the harbour. I am induced to assume the reality of such an impost, by two apparent traces of its existence. In a fragment of Eupolis[81], a harbour-duty is mentioned, which was to be paid before the passenger embarked: it thus appears that a duty was imposed in the harbour, even upon individuals. In Xenophon's Essay upon the State of Athens[82], it is remarked that the necessity of

[80] Demosth. in Phorm. p. 917. 10. cf. Jul. Afric. Cest. p. 304.

[81] Ap. Poll. IX. 30. Ἐλλιμένιον, ὃ δοῦναι πρὶν εἰσβῆναί σε δεῖ. Εἰσβῆναι can evidently be only understood of going on board a ship, as Kühn has already remarked.

[82] I. 17. Schneider (*Opuscul. Xenoph.* p. 93.) considers this hundredth to be a custom duty, which was afterwards succeeded by the twentieth. Neither to this notion however, nor to that of Manso (*Sparta* vol. II. p. 496.) can I accede. With regard to the twentieth, of which I have given the true explanation in chap. 6, Manso (p. 502.) understands it to be an increased custom-duty upon commodities levied in the Piræeus; he combines however passages which have no reference to one another. Among other things, he assumes that the Athenians only remitted to the Allies that part of the tribute which was increased by Alcibiades, which he incorrectly states at 300 talents, and that instead of it, a custom-duty was collected in the Piræeus. This duty was not however levied upon the allies alone, but upon all traders, whether Athenians, allies, or not; and who compelled the allies to come to Athens with their commodities? Athens would

trying their causes in Athens, to which the allies were subject, increased the productiveness of the hundredth

manifestly by this increased duty in the Piræeus have injured her own imports, and raised the prices of commodities, which would certainly have been opposed to her interest. The twentieth was not collected in the Piræeus, but in the countries of the allies. Manso again, proceeding upon the amount of the fiftieth, calculates the increased duty at 90 talents: but is it conceivable that the Athenians would have established a duty producing only 90 talents, part of which moreover was before received, instead of the tributes which brought in so large an income, in order to increase their revenues, and yet, while it caused a precisely opposite effect, have allowed the twentieth to exist for so long a period? Enough however of these errors. I may observe that with this a main argument of Schneider's falls to the ground, that the Treatise upon the State of Athens is as old as this period, and consequently not the production of Xenophon. I have already remarked in the first book (chap. 8.) that I will not answer for its being the work of Xenophon; but the proofs to the contrary I consider as insufficient. That the dominion of the sea did not belong to Athens after the 93d Olympiad is not entirely true. The battle of Cnidos brought subject allies again under the power of Athens (book III. 17.), and why should not the Athenians have again introduced their compulsory jurisdiction? Isocrates (Areopag. 1.) speaks in the most unambiguous manner of the naval dominion of the Athenians and of their numerous allies after the victories of Timotheus: *εἰρήνην δὲ καὶ τὰ περὶ τὴν χώραν ἀγούσης, καὶ τῶν κατὰ θάλασσαν ἀρχούσης, ἔτι δὲ συμμάχους ἐχούσης, πολλοὺς μὲν τοὺς ἑτοίμους ἡμῖν, ἤν τι δέῃ, βοηθήσοντας, πολὺ δὲ πλείους τοὺς τὰς συντάξεις ὑποτελοῦντας καὶ τὸ προστατεύμενον ποιοῦντας.* It is certainly remarkable that the tributes should be called *φόροι*; the name *σύνταξις* was not however introduced till Olymp. 100. 4.: Xenophon may either have written this treatise a short time before, or, as appears to me more probable, the ancient and customary expression was retained in use later. Comp. book III. 17. That the tributes were valued

(ἑκατοστή) in the Piræeus. We are not justified in assuming that this hundredth was an import-duty, which was

every four years is also an account that it is difficult to reconcile, particularly in reference to earlier times. According to book III. 11. and 15. the tributes were not altered until the 89th Olympiad, and about Olymp. 91. 2. they were entirely abolished, and changed into a custom-duty, in which state they remained until the dissolution of the whole connexion by the battle of Ægospotamos. Here then it might be preferable to understand the times after the battle of Cnidos, or after the 100th Olympiad. When the author speaks of the Athenians giving up their own country, we are indeed forcibly reminded of the first period of the Peloponnesian war; but is it not possible that ideas of this kind may have been principles which were derived from the earlier history of Athens? But the most singular passage of all is the assertion of the writer that it was not allowed to ridicule the people of Athens in comedies, but only individuals. In the Knights of Aristophanes, which was acted in Olymp. 88. 4. and in the Wasps, which was not brought forward till later, the people, as Schneider remarks, is ridiculed; but for this reason to attribute to this writing a greater antiquity than Olymp. 88. 4. would be a bold assumption, nor would it indeed be of much service. Aristophanes had previously ridiculed the State in the Babylonians (see Acharn. 502. and the scholiast), and in like manner in the Acharnenses, although qualified with an apology which was produced by particular circumstances, that he only speaks against individuals, and not against the State (vs. 514, 515.). The freedom of comedy was indeed for a short time abridged, particularly by a decree passed in Olymp. 85. 1. which was however abrogated in Olymp. 85. 4. (Schol. Aristoph. Acharn. 67.) According to the scholiast to Aristoph. Nub. 31. it was expressly prohibited to ridicule the Archon in comedy: and according to the scholiast on Acharn. 1149. Antimachus, at the time when he was Choregus, had proposed a decree that no one should be ridiculed by name. All these accounts appear to refer to the law passed in the Archonship of Morychides, and prove no more than that it

levied at a particular period in place of the fiftieth; for we find the fiftieth mentioned both in the earlier time of

was forbidden to attack any body by name; a prohibition which was not long in force. On the other hand, to ridicule the people, although Cleon threw it out as a reproach against Aristophanes (Acharn. 501.), and it would naturally produce hatred against the poet, appears to have been always allowed until after the time of the anarchy. By this overthrow of the democracy the Athenian Demus was rendered suspicious and mistrustful; and the Parabasis, in which public matters were discussed, was omitted. Of this however want of space prevents me from treating; with regard to the passage in question, it agrees as well with the time which succeeded the anarchy as with the beginning of the Peloponnesian war. Lastly, Schneider was justly surprised at the following passage: *ὀλίγοι δέ τινες τῶν πενήτων καὶ τῶν δημοτῶν καμῳδοῦνται καὶ οὐδ' οὗτοι, ἐὰν μὴ διὰ πολυπραγμοσύνην καὶ διὰ τὸ ζητεῖν πλέον ἔχειν τοῦ δήμου*: which, it appears, could not have been said after the ill-treatment of Socrates by the comic poets, and least of all by Xenophon. If however Xenophon wrote this essay perhaps forty years after the representation of the Clouds, when all the circumstances of the times had been changed, was it necessary that he should refer to Socrates in an ironical account of the principles of the Athenians? and might not the best friend of Socrates, or even Socrates himself, deny that he wished to raise himself above the people, he who came forward as the ameliorator and benefactor of the people, and was not only a declared enemy of the Demus, but entertained purely aristocratical principles? I may also make a remark upon the observation occurring in l. 10. that slaves at Athens were not allowed to be beaten, for which regulation a false reason is ironically assigned. The true reason appears to have been forgotten at the time when the author wrote, namely, the war (Aristoph. Nub. 7.). When the Clouds were acted, the circumstance was evidently new, and the reason well known. This circumstance therefore seems to prove that this writing had a later origin than the Clouds of Aristophanes at the earliest.

Andocides (whose lease of the custom-duties, as well as that of Agyrrhius, falls in the first year after the Anarchy), and also in the time of Demosthenes; and an alteration in this tax cannot be assumed without any proof. May we not suppose that another harbour-duty was imposed in addition to the tax upon persons just mentioned, amounting to one per cent on the cargo? The more strangers came to Athens, the greater was the intercourse; if a larger number of vessels arrived, even without bringing any commodities for importation, the harbour-duty was increased by the influx of foreigners. At the same time I only throw out this notion as a conjecture, for we know nothing certain of the hundredth. Aristophanes speaks of many taxes of a hundredth collected by Athens[83], which, according to the scholiast, the States paid for the duties (τέλη); an explanation more obscure than the thing explained. It is however possible that this small tax was levied in Attica upon several occasions, a question which we shall presently reconsider.

Duties levied in markets are mentioned in Attica, as well as in other countries of Greece[84], and were considered as a tax of importance, so that they could not have been mere fees paid for permission to erect booths. It is more probable that they were an excise-duty upon all things sold in the market; but in what manner the rate was estimated we are wholly unable to state. The gramma-

I do not indeed consider the question to be set at rest by these arguments; but the space does not allow of a more detailed investigation.

[83] Vesp. 656.

[84] Xenoph. de Vectig. 4. Aristoph. Acharn. 904. ed. Invern. Demosth. Olynth. I. p. 15, 20.

rians[85] mention a tax upon sales (ἐπώνιον, ἐπώνια), but they did not themselves know accurately what was its nature. Harpocration conjectures that it was the tax of a fifth (ἡ πέμπτη), a duty of which he appears to have obtained some knowledge from other sources; other grammarians copy this account from him; but, if we consider the moderate rate of the other duties, it is not credible that so high a tax should have been imposed upon all sales, which would have fallen chiefly upon the home consumption. In another account, which in all probability is equally founded on mere conjecture, certain duties of a hundredth are cited as instances of this tax. At Byzantium we meet with a tax of ten per cent upon sales, but only imposed for the moment, and not intended for any long continuance[86]: other examples of large excise-duties of this kind I omit to enumerate. Whether this tax was collected at the gates or in the market I do not find any where stated[a]; toll-gatherers were however appointed for the collection of it. A story preserved in Zenobius and other com-

[85] Poll. VII. 15. Harpocration, Suid. Etymol. Phavorinus. The following less valuable statement occurs in Lex. Seg. p. 255. Ἐπώνια μὲν τὰ ἐπὶ τῇ ὠνῇ προσκαταβαλλόμενα, ὥσπερ ἑκατοσταί τινες. The sale of duties cannot here be meant, although the grammarian classes the κηρύκεια, the pay of the heralds at the sale of the duties, together with the ἐπώνια, the former being a fee which was perhaps exacted in all sales by auction.

[86] Pseud-Aristot. Œcon. 2. 3. in the words τοῖς δ' ὠνουμένοις τι ἔταξαν χωρὶς τῆς τιμῆς διδόναι ἐπιδέκατον.

[a] The author mentions in the Addenda, that having left it undecided where the duty was paid upon goods that were brought for sale into the city, he afterwards considered that it was probably taken at the gates, and that the passage-duty, or διακύλιον, refers to this. "The only account of it is found in Hesychius. Διακύλιον (as has been rightly corrected) τέλος τι

pilers of Lexicons[87], of a countryman named Leucon, leads to this conclusion. The story is, that this Leucon used to place leathern bottles of honey in a panier, upon the top of which he laid some barley, and brought it to Athens on an ass, which he represented to be loaded with nothing but barley. One day the ass fell down, and the toll-gatherers, coming to his assistance, discovered the honey, and seized it as contraband. This story indeed is in all probability a fiction, and did not actually happen to any Leucon. Leucon was an Athenian comic poet, perhaps the son of Hagnon[88], the contemporary of Aristophanes and Pherecrates, and he had represented the misfortune of the peasant upon the stage, in a play called the *Ass which carried the leathern bottles.* This does not however invalidate the argument; for even if it was not founded upon any real fact, it must, in order to be made the subject of a play, have been at least a possible occurrence according to the existing usages at Athens.

(6.) In addition to these regular duties, the Athenians about Olymp. 91. 2. substituted in the room of the tri-

παρ' Ἀθηναίοις οὕτως ἐκαλεῖτο, where consult the notes of the commentators: the word is used in a somewhat different meaning in Pseud-Aristot. Œcon. II. 2, 14. from whence it might be concluded that the money was only paid for passing through the gate; but that at Athens the word had any other signification, and that the διαπύλιον was some kind of admittance-money, appears to me hardly conceivable."

[87] Zenob. I. 74. Mich. Apost. II. 68. Comp. Diogenianus and Suidas vol. I. p. 98.

[88] Suid. in v. Λεύκων, and particularly Toup Emend. in Suid. vol. II. p. 252. ed. Leips. against the commentators. His Φρέατορες is quoted by Athenæus, Hesychius, Photius, and Suidas; by the latter in two different places, "Ονος and Ἀσκοφόρος; both however are one, viz. "Ονος ἀσκοφόρος.

butes, which up to this period had been periodically paid by the allies, a duty of a twentieth (εἰκοστὴ) upon all commodities exported or imported by sea in the States of the subject allies; hoping to raise a greater revenue by that means than by the direct taxation of these States[89]: and it cannot be doubted that this tax, as Aristophanes mentions no less than 1000 tributary cities, must have produced a very considerable revenue. These duties were according to the usual practice let out in farm; the collectors had the name of Eicostologi (εἰκοστολόγοι)[90]. From a reference made by Aristophanes in the Comedy of the Frogs (Olymp. 93. 3.) to an unfortunate Eicostologus, who sent some commodities, the exportation of which was prohibited, from Ægina to Epidaurus, it may be inferred that this duty had not been abolished, but lasted until the end of the Peloponnesian war. But the tenth (δεκάτη) raised by the Athenians at Byzantium was a mere extortion. It was first imposed in Olymp. 92. $\frac{3}{4}$. when Alcibiades, Thrasyllus, and the other Athenian generals who came from Cyzicus, fortified Chrysopolis in the territory of Chalcedon: a station for the reception of those duties (δεκατευτήριον) was built, and thirty ships were sent out under two generals, in order to tithe the commodities on board all ships which came out of the Pontus, as Xenophon relates[91]. Polybius mentions the ships going to the Pontus; both accounts are doubtless correct, and the tenth

[89] Thucyd. VII. 28. To this twentieth and to the Byzantian transit-duties, which will be presently mentioned, the following passage refers in Lex. Seg. p. 185. 21. Δεκάτη καὶ εἰκοστή; οἱ Ἀθηναῖοι ἐκ τῶν νησιωτῶν ταῦτα ἐλάμβανον.

[90] Poll. IX. 30. Aristoph. Ran. 366.

[91] Hellen. I. 1, 14. with which Diodorus XII. 64. agrees.

was levied upon the cargoes of vessels both coming in and going out of this sea. That this tax produced a large revenue may be readily conceived, for the rate of duty was high, and this channel was very much frequented. "Byzantium," says Polybius[92], "is most favourably situated upon the sea of any known place;" against the will of its inhabitants it was not possible either to go out or to come in to the Pontus, on account of the rapid current in the straits; for that reason it was far more fortunately situated than Chalcedon, the City of the Blind, which at first sight appears to have possessed an equally advantageous position: a large supply of leather, the best and the greatest number of slaves, came from the Pontus; also honey, wax, and salt meat; oil, and every kind of wine, were carried from Greece into the Black Sea; corn it sometimes exported and sometimes imported. The only good passage however, as the same historian remarks, was by Bus and Chrysopolis, for which reason the Athenians, upon the advice of Alcibiades, had chosen this latter city as the station for collecting the duties. Of this tax they were deprived by the defeat at Ægospotamos. Thrasybulus however reestablished it about the 97th Olympiad, and let it out in farm[93]; at that time the Athenians derived great resources from it for the carrying on of war. The peace of Antalcidas (Olymp. 98. 2.) probably produced its second abolition; and a long time afterwards (Olymp. 139.) the Byzantians introduced the same transit-duties (διαγώγιον) to assist a pecuniary difficulty, which was the cause of the war between them and the Rhodians[94].

[92] Polyb. IV. 38. and afterwards 43, 44.

[93] Xenoph. Hellen. IV. 8, 27, 31. Demosth. in Leptin. §. 48. and there Ulpian's and Wolf's notes.

[94] Polybius in the following chapters. Comp. Heyne de By-

Wherever houses or stations for the collection of tenths (δεκατευτήρια, δεκατηλόγια) are mentioned[95], tolls collected at sea are always to be understood, which required particular establishments of this description. Therefore Pollux mentions the erection of them as an event which only happened on particular occasions. But when farmers of tenths, and collectors of tenths (δεκατῶναι, δεκατηλόγοι, δεκατευταὶ) are mentioned[96], duties of different descriptions may be understood. In the first place there were the tenths of the produce of the soil; we know for example that this tax was collected in the governments of the Satraps, as a distinct branch of revenue; it was also universally extended in the tyrannies of Asia, and probably was the most ancient tax paid to the kings. Thus too the Romans collected tenths from conquered countries; and this same duty was also very common in Greece, but only as a tax upon property which was not freehold, the tenths being paid for the usufruct. Consistently with this the tyrant demanded the tenths from all his subjects, in his right as lord and master of the whole country,

zant. p. 15 sqq. To sail by compulsion to the place where the duties were collected was called παραγωγιάζειν. Polyb. IV. 44, 46. III. 2.

[95] Poll. VIII. 132.

[96] Δεκατῶναι are farmers of the tenths, δεκατηλόγοι, collectors of the tenths; both of which callings were often united in the same individual: δεκατευταὶ appears to be applicable to either. Cf. Harpocrat. in vv. δεκατευτὰς and δεκατηλόγος, Poll. IX. 28. Demosth. in Aristocrat. p. 676. 26. Also Hesychius in v. δεκατηλόγοι, Etymol. in v. δεκατευτήριον, where however the statements given are incorrect and confused. To collect the tenth was called δεκατεύειν. Aristophanes ap. Poll. IX. 31. ἐλλιμενίζεις ἢ δεκατεύεις; and thence Hesychius, δεκατεύειν, τελωνεῖν, not to quote other grammarians.

which he only permitted to be occupied by his subjects upon the payment of these taxes. Of this kind are the Sicilian tenths, which were received by the kings before that country fell into the hands of the Romans; and many cases of the same duty occur in Greece proper, as for example, the tithes of the corn at Cranon in Thessaly[97]; thus Pisistratus, as tyrant or usurping proprietor of the country, subjected all the lands of the Athenian citizens to a tithe, and incurred the hatred of his people by this despotic measure; although as a sophist supposes him to say in a spurious epistle, he might excuse himself by alleging, that the tithes were not paid for himself the tyrant, but for defraying the expences of the sacrifices, with the other branches of the administration, and the costs of war[98]. The Pisistratidæ did not abolish this tax, but they lowered it to a twentieth[99]. In the same manner then, that with reference to a tyrant, all lands were subject to a tithe, so in a republic many estates were subject to this tax, as not being the freehold property of the possessor, but only held by him as occupier. Thus the State of Athens was enabled to possess the tithes of public demesnes, and to let them in farm; the temples also frequently enjoyed property of this kind, of which many examples are extant: thus for instance, the Delian Apollo received

[97] Polyæn. II. 34.

[98] Concerning these tenths see Meursius Pisistrat. 6. 7. 9. The spurious epistle is given by Diogenes Laertius in the Life of Solon.

[99] εἰκοστὴ τῶν γιγνομένων Thucyd. VI. 54. In the free constitution of Athens nothing of this kind occurs. That the Roman tenths were copied from those of Attica is the singular notion of Burmann de Vect. P. R. II. and V.

a large amount of tithes from the Cyclades[100]; and in the island of Ithaca, the temple of Diana received the tithes from an estate, the possessors of which were bound to keep her temple in repair[101]; and Xenophon had formerly devised the very same regulation at Scillus. Obligations of this nature arose in great measure from the piety of individuals, who dedicated their property to the gods, and thus gave up the right of possession, retaining at the same time the use of it for themselves in consideration of a fixed payment; the temples may also on certain occasions have received the right of tithes by conquest. Thus the Greeks promised that after the fortunate termination of the Persian war, all States who had afforded any protection to the enemy, should pay a tithe to the Delphian Apollo, that is to say, that they would make their lands subject to a tribute[102]. At Athens moreover, Minerva of the Parthenon received the tithe of the plunder, and of captures[103], and also of certain fines[104]; while others were paid to the temples without any deduction, together with the tithe either of all or of a large proportion of confiscated property[105]. The tithes of

[100] Spanheim ad Callim. Hymn. Del. 278. Corsini Gr. Diss. VI. p. CXVI.

[101] Inscription in Paciaudi Mon. Pelop. vol. I. p. 142. and his diffuse notes, where its genuineness is proved. Xenophon set up the very same inscription at Scillus (Cyr. Exped. V. 3. 3.) and this inscription of Ithaca is a rather modern imitation of it, but unquestionably not a forgery.

[102] Herod. VII. 132. Diod. XI. 3. Polyb. IX. 33. concerning Thebes. Cf. Xenoph. Hellen. VI. 3. 9.

[103] Demosth. in Timocrat. p. 741. 3. Diod. XI. 62. Lysias in Polystrat. p. 686. Harpocrat. in v. δεκατεύειν. Comp. Paciaudi ut sup. p. 172 sqq. Lakemacher Ant. Græc. Sacra p. 409.

[104] Cf. e. g. Demosth. in Macart. p. 1074. 24.

[105] Decree in the Lives of the Ten Orators p. 226. Andocid. de

Minerva are mentioned in connection with the fiftieths of other gods, and of the heroes of the tribes (ἐπώνυμοι)[106]; the latter were probably similar percentages, and must not be confounded with the custom-duty of the fiftieth.

(7.) Among the direct and personal taxes, the protection money of the resident aliens (μετοίκιον) is most generally known, an institution by no means peculiar to the Athenian State, but which was introduced in many[107], and perhaps in all countries. At Athens every resident alien paid twelve drachmas a year, as we learn from the testimony of Eubulus and Isæus[108]; according to the latter the women paid six drachmas, if they had no son of sufficient age to pay for himself. If however the son paid the protection-money, the mother was exempt; consequently no woman paid it, except those whose families did not contain any adult male; and as the son exempted the mother, there can be no doubt that the husband exempted his wife. For that the wives of the resident aliens had to make a separate payment is improbable for this reason, that otherwise a widow, even if her son paid this tax,

Myst. p. 48. Xenoph. Hellen. I. 7. 10. Compare below book III. 14. Photius mentions a tenth received by the gods in v. ἀδικατείντους, without however specifying which.

[106] Demosth. in Timocrat. p. 738. 5. and Ulpian's note.

[107] Besides the two passages of Lysias and Lycurgus which Wesseling quotes ad Petit. II. 5. 1. see Demosth. in Aristocrat. p. 691. 3. and in Aphob. ψευδομ. p. 845. 19.

[108] Harpocration in v. μετοίκιον, cf. Lex. Seg. p. 280. Hesychius in v. μέτοικοι, Photius who transcribes Harpocration, in v. μέτοικοι and μετοίκων λειτουργίαι, Poll. III. 55. Nicephor. ad Synes. de Insomn. p. 402. The other statement of ten drachmas in Hesychius v. μετοίκιον and Ammonius v. ἰσοτελὴς only rests upon an error of the copyist.

would also have been required to pay for herself; whereas it is stated in the most general terms, that if the son paid, the mother did not, nor consequently the widow. The protection-money was also let out in farm; since farmers of duties (τελῶναι) are mentioned; for example in the life of Lycurgus, who threatened a farmer of duties with imprisonment, for arresting Xenocrates for not having paid his protection-money[109], and also in the Grammarians. It is maintained by some writers, that the payment of the protection-money was made by the Patron (προστάτης)[110], which agrees very well with his character of surety for the resident aliens, but is directly opposed to the testimonies of the ancients. For the State looked for security to the body of the resident alien himself, and if he was convicted before the Poletæ of non-payment of the duty, he was immediately sold[111]. It is also to be observed that Harpocration, who is followed by Photius, proves from the comic poets in particular, that the freed-men also paid this protection-money; Menander

[109] Vit. dec. Orat. vol. IV. p. 253. ed. Tübing. also Plutarch in the Life of Q. Flamininus, and Photius in the Life of Lycurgus. Concerning Xenocrates see also Plutarch's Phocion 29, and Ste. Croix in his Mémoire on the μέτοικοι in the Mém. de l'Académie des Inscriptions, tom. XLVII. p. 184 sq.

[110] Petit ubi sup. and Lex. Seg. p. 298.

[111] Harpocration from the Oration against Aristogiton I. p. 787. 27. which if not written by Demosthenes himself, is of considerable antiquity, where there is an instance of the sale of an unmarried woman. The place where this sale took place was called the πωλητήριον τοῦ μετοικίου. The sale was carried on under the direction of the Poletæ, Pollux VIII. 99. comp. above book II. 3. The protection-money was naturally paid in the same place. In the Lives of the Ten Orators μετοίκιον simply is used instead of πωλητήριον τοῦ μετοικίου.

however, he proceeds to state, says in two plays, "that besides the twelve drachmas, the latter also paid three oboli, perhaps to the farmer of the duties." According to the context the "latter" can only be the freed-men, as Petit rightly understood it[112]; and, as is so frequently the case, Pollux and Hesychius generalize this account of the payment of the Triobolon, and extend it to all resident aliens. But they go still farther than this, for the latter informs us that it was paid to the farmer of the duties, the former that the clerk received it. The general accuracy and information of Harpocration prove that no grammarian could know it for certain, and to what purpose should it have been paid to a clerk, or even to a farmer of the duties, if the tax was let out in farm? This Triobolon paid by the freed-men must therefore have had a different character, to which point I will presently return. On the other hand many resident aliens, as is implied in the story of Xenocrates, enjoyed an immunity from the protection-money (ἀτέλεια μετοικίου) without being Isoteles, at Athens as well as in other countries[113]. Many were even exempted from custom-duties[114], and other payments, as will be shewn below; yet these preferences appear to have been very rare; for, according to Demosthenes[115], scarcely five persons were exempted from the regular liturgies, and what Diodorus[116] supposes Themistocles to say with regard to the immunity of the resident aliens and the artificers, must have arisen

[112] Leg. Att. II. 6, 7.

[113] Marm. Oxon. XXIV. 35. ed. Chandler. Demosth. in Aristocrat. p. 691. 3.

[114] Book I. 15.

[115] In Leptin. §. 16, 17.

[116] XI. 43.

from some misunderstanding, which perhaps originated in the circumstance that Themistocles had encouraged this class in some other manner. If then we take the sum of the resident aliens in the time of Demetrius Phalereus, which was 10,000, as an average amount, and reckon about 1000 women who paid this tax, the protection-money would have amounted to about twenty-one talents: the freed-men are included in this estimate, although in Xenophon's Treatise upon the State of Athens[117], this class of persons is distinguished from the resident aliens.

Xenophon says[118], that "whoever remembers how much the slave-duty produced before the Decelean war, will allow that it is possible to maintain a large number of slaves in the country." At that period great numbers eloped; Thucydides reckons more than 20,000; the fleet employed a very large number, and as it was easy for them to escape from Attica, the Athenians probably reduced their establishments, or exported their slaves to foreign markets. In short, Athens had more slaves before than after the Decelean war, and this duty was consequently more productive. But by means of what? was it merely by the duty of a fiftieth upon their importation? In that case the expression *slave-duty* could scarcely have been used. It is more probable that a tax upon the slaves themselves existed: and this would in that case be the only direct and regular taxation of a part of the property of the citizens, excepting the liturgies; although this duty, in so far as slaves cannot be considered as mere property, but

117 I. 10.

118 De Vectig. 4. ὅσον τὸ τέλος ἴσχυσε τῶν ἀνδραπόδων πρὸ τῶν ἐν Δεκελείᾳ.

as servants also, may be viewed in the light of a tax upon servants. Now the supposition that a slave-tax of this nature was in existence, appears to be confirmed by the triobolon which was paid by the freed-men. The rate of taxation for slaves could not indeed have been high, if it was not to press too heavily upon the property of persons who employed a large number, and particularly of the mine proprietors; but three oboli a year for each slave was a tax that would easily have been borne; and it is probable that the possessors paid this sum for every slave; of which the triobolon paid by each freedman in addition to the protection-money, was probably the result: the latter he paid by virtue of his new station; but the State would not consent to renounce what it had formerly received from him. If this supposition is well founded, and we reckon 400,000 slaves in Attica, the tax produced to the farmer of the duties 200,000 drachmas, or about 33 talents a year.

From this example it may be perceived how limited is our knowledge even of the Athenian antiquities. Obliterate the few and indistinct traces of this tax upon slaves, and there is nowhere an indication of its existence. How many similar duties and revenues may Athens have possessed, of which we know nothing? In the State of Byzantium, fortune-tellers (who, as may be seen from Isocrates and Lucian, carried on a profitable trade), quacks, jugglers, and other itinerant impostors paid the third part of their profits for permission to follow their callings[119], and traders of this description were also taxed in other countries in ancient times[120]; it is fair to suppose that

[119] Pseud-Aristot. Œcon. 2. 3.

[120] Casaub. ad Sueton. Calig. 40.

Athens likewise imposed a tax upon such itinerants. Even retail-dealing in the market was not permitted either to the resident aliens or to foreigners, without the payment of a tax, which was known by the name of foreigners' money (ξενικὰ τελεῖν); therefore Demosthenes says of a woman who sold ribbands, that if they wished to prove that she was a foreigner and not a citizen, they must search the duties collected in the market[121]; and perhaps the resident aliens themselves paid a tax for the exercise of other trades. The most shameful of all taxes of this class is the tax upon prostitutes (πορνικὸν τέλος), which was also introduced in Rome by Caligula, and not only continued during the reigns of the Christian emperors[122], but to the disgrace of mankind, still exists in Christian States. At Athens it was annually let out by the senate; the farmers knew accurately the names of all who followed this calling[123], men as well as women; for even the former, as was the case under Caligula, paid the tax. According to a passage of Suidas and Zonaras[124], the Agoranomi fixed the price which each prostitute was to take: it appears therefore that the tax was different according to their different profits[125], as was the case in the ordinance of Caligula[126].

[121] Demosth. in Eubulid. p. 1308. 9. p. 1309. 5.

[122] Burmann de Vectig. Pop. Rom. XII. Hegewisch über die Römischen Finanzen p. 213. p. 308 sqq.

[123] Æschin. in Timarch. p. 134, 135. These farmers are also τιλῶναι, οἱ ἐκλέγουσι τὸ τέλος. The expression πορνοτελῶναι in the comic poet Philonides (Poll. VII. 202. and the commentators) refers to the tax in question, although Pollux (IX. 29.) cites this word among the vituperative names applied to farmers of duties in general.

[124] In v. διάγραμμα.

[125] Comp. above book I. 21.

[126] Sueton. Calig. 40. Ex capturis prostitutarum, quantum quæque uno concubitu mereret.

If persons of the rank of citizens disgraced themselves in this manner, which however the laws endeavoured to hinder, by excluding them from sacrifices and public offices, and by other wise regulations, they were also subject to the tax, although the citizens did not pay any thing for following honourable callings. Lastly, the State had some revenues of a smaller kind, which reverted from the expences, and although they bear no resemblance to those which have been here enumerated, yet they cannot be mentioned with greater propriety in any other place. Among these is the hide-money (δερματικόν), which was derived from great sacrifices and feasts[127].

(8.) The government of Athens cannot be accused of having levied any regular duties, which were so high as to be oppressive; other States appear to have imposed far heavier taxes, as for example, Cersobleptes in the Chersonese laid a duty of a tenth upon all commodities[128], and Leucon, king in the Bosporus, imposed a tax of a thirtieth upon exported corn[129]. In Babylon all goods entering the town were subject to a tithe; this practice had however fallen into disuse long before the time of Alexander[130]. The Lampsacenians on an occasion, when many triremes, and consequently a considerable sale of provisions, were expected, laid an excise-duty of half the usual price upon all commodities[131]. It is however undeniable that the method of collection by a farmer-general, to whom the duties were sold, diminished the receipts of

[127] See book III. 19.

[128] Demosth. in Aristocrat. p. 679. 24.

[129] Demosth. in Leptin. §. 26.

[130] Pseud-Aristot. Œcon. 2. 34.

[131] Ibid. 2. 7.

the State[132]: this custom was not however peculiar to Athens; for the duties were let out in farm in all the countries of Greece, and also in the kingdoms of Macedonia and Rome. In what manner those persons who wished to take a lease were able to defraud the public at the auction of the duties, we have already seen from Andocides; the farmers of the custom-duties made a conspiracy against the State, bought off any competitors who wished to overbid them, either by direct bribery or by giving them a share in the letting, or even persecuted those who deprived them of the lease, as was the case with Andocides himself. The same fact is proved by another case mentioned in Plutarch[133]. A resident alien, whose property did not amount to more than 100 staters, conceived a passion for Alcibiades, and brought him his whole stock of ready money, in order to move him to a return of affection. Alcibiades, pleased with the love and devotion of this person, invited him to be his guest; he then returned him the money, charging him at the same time to bid against the farmers of the duties upon the following day, towards whom he had a particular cause of enmity. When the poor man excused himself on the plea that the letting was an affair of many talents, Alcibiades threatened to flog him, in case he did not comply with his wishes: the alien then obeyed him, and upon the following day, at the sale of the duties in the market-place, he increased the former bidding by a talent, and Alcibiades himself provided him with security, to the vexation of the farmers of the custom-duties. The com-

[132] The expressions used are τέλη ἐκδιδόναι, πιπράσκειν, ἀπομισθοῦν, Poll. IX. 34.

[133] Alcib. 5.

pany of farmers, who were always accustomed with the second letting to pay off the debts of the first, seeing that there was no means of extricating themselves from the difficulty, offered the man money to withdraw his bidding; upon which Alcibiades did not allow him to take less than a talent.

Three separate descriptions of persons were connected with the management of every duty. The lessees (τελῶναι πριάμενοι, or ὠνούμενοι τὸ τέλος, rarely μισθούμενοι, except in the letting of landed property and not of duties), the sureties (ἔγγυοι, ἐγγυηταὶ), and the collectors (ἐκλογεῖς)[134]. The last expression has two meanings: it sometimes signifies the public officers, who in the name of the State exacted payment of the public money; hence those persons who collected the tribute, which was never let out in farm, were called by this name[135]; and sometimes it is used to signify those who collected the duty in the name of the farmer-general: which of these two meanings is required in the particular passage, it belongs to the commentator to decide. The sureties, as is proved by the examples already quoted, were appointed at the taking of the lease; it is probable that they frequently had a share in the profit of the contractors. More extensive lettings were taken by companies, as may be seen from Andocides, Lycurgus[136], and Plutarch. At the head of these associations was placed the chief farmer

[134] Law of Timocrates in Demosth. c. Timocrat. p. 713. 3. The oath of the senators in the same speech p. 745. 15.

[135] Harpocration, Suidas in v. ἐκλογεῖς, Lex. Seg. p. 245. Ἐκλέγειν τὸ τέλος is also used in two different meanings.

[136] C. Leocrat. p. 150. where an action occurs, brought by one person against another for defrauding him in the company for farming the fiftieth. Comp. also p. 179.

(ἀρχώνης, τελωνάρχης). Persons of noble descent, who were proud of their station and dignity, never entered into business of this description; but these farmers were generally respectable citizens, and sometimes even statesmen; as for instance, Agyrrhius the demagogue, and Andocides the merchant and orator. Resident aliens were also entitled to take leases of custom-duties; but the tenure in fee-farm, as for example of mines, was limited to citizens and Isoteles. The farmer of custom-duties (τελώνης) frequently occurs in the character of a collector, who appear to have been for the most part inferior sharers in the letting, although hired servants or slaves of the lessees were perhaps occasionally employed for this purpose. According to the different duties which they farmed, these persons had different names (ἐλλιμενισταὶ, δεκατηλόγοι, εἰκοστολόγοι, πεντηκοστολόγοι, or less Attic, εἰκοστῶναι, δεκατῶναι, &c.) [137], and in like manner the places where the respective duties were collected (τελώνια, πεντηκοστολόγια, δεκατηλόγια, or δεκατευτήρια, and others) [138]. These persons carried with them their books [139], and had power to seize commodities and persons [140]: whether the imposition of a seal upon the goods [141], which was customary in later times, had been introduced during the existence of the republic, I do not undertake to decide: but all other vexations of custom-duties, such as a strict search and examination, even opening of letters, are mentioned; the latter practice

137 Cf. Pierson. ad Mœrin p. 165.

138 Poll. IX. 28. Lex. Seg. p. 239.

139 Comp. book III. 4. Poll. IX. 31.

140 Not to quote more than one passage, see Demosth. in Mid. p. 559. 18.

141 See Barthél. Anacharsis, vol. II. p. 168.

is indeed only noticed in the Roman comedies, which is perhaps sufficient testimony, as these for the most part represent the usages of Athens[142]. Fraud and smuggling were however as difficult to prevent in ancient times as at the present day; in Attica the thieves' harbour (φώρων λιμὴν) was much used for these purposes[143]; and that the collectors of the duties were themselves frequently engaged in this unlawful traffic, is proved by the instance of the Eicostologus in Aristophanes[144]. Their dishonest practices and oppressive conduct brought them into the worst repute[145]: indeed the displeasure and hatred which the collectors of the Roman customs had excited were so great, that the State was compelled to abolish the custom-duties in Italy, to the manifest loss of its revenue[146]. The peculiar legal relations between the farmers of these duties and the State were defined by the laws of the custom-duties (νόμοι τελωνικοί)[147]. These also doubtless contained particular enactments, with regard to offences connected with the custom-duties. That commodities which it was attempted to smuggle in without the payment of a duty

[142] Plaut. Trinumm. III. 3. 64. Menæchm. I. 2. 5. Terent. Phorm. I. 2. 100. with the note of Donatus, and Nonius in v. Telonarios.

[143] See Palmer Exercit. p. 639. Lex. Seg. p. 315. Concerning the way in which the farmers of the duties were cheated, see Jul. Afric. Cest. p. 304.

[144] See the passages quoted above in the fourth chapter.

[145] Poll. IX. 29. 32.

[146] Concerning the farmers of the duties at Rome, compare with this view Cicer. ad Quint. Frat. I. 1. To how great a nicety the system of custom-duties was brought by the Romans, has been shewn by Burmann de Vectig. P. R. V.

[147] Demosth. in Timocrat. p. 739. 29. p. 731. 1.

(ἀτελώνητα, ἀνυπόγραφα [148]) were forfeited by the Athenian as well as by the Roman regulations, is evident from the example which has been already quoted: as however at Athens it was allowable to institute a Phasis against persons who had violated the laws connected with the custom-duties [149]—in which form of proceeding the assignment of the penalty was arbitrary—a severer punishment might be brought on by aggravated circumstances. The father of Bion the philosopher was sold, together with his whole family, for an offence against the laws of the custom-duties, although this did not take place at Athens [150]. The farmers of the custom-duties were allowed by law an exemption from military service [151], in order that they might not be impeded in the collection of the duties; and although Leocrates, as mentioned by Lycurgus, when a partner in the lease of the fiftieth, does not appear to have availed himself of this plea as an excuse for neglecting to serve in war [152], it is possible that he had particular reasons for not taking this line of defence.

The payment of the rents (καταβολὴ τέλους, τέλος καταβάλλειν, καταθεῖναι, διαλῦσαι, ἀποδοῦναι, καταβάλλειν τὰς καταβολὰς [153]) took place in the senate-house, in the appointed prytaneias [154]. If the farmer of the duties did not observe the term of payment, it was ordered that he should at the latest pay in the ninth prytaneia; if he failed to

[148] The latter expression occurs in Pollux IV. 31. the former in Zenob. I. 74.

[149] Poll. VIII. 47.

[150] Παρατελωνησάμενός τι πανοίκιος ἐπράθη, Diog. Laert. IV. 46.

[151] Orat. in Neær. p. 1353. Ulpian. ad Mid. p. 685. A.

[152] Lycurg. in Leocrat. p. 179.

[153] Poll. IX. 31. and frequently in other writers.

[154] Orat. in Neær. ut sup.

observe this term, his debt was doubled; and if the double amount was not immediately paid, his property was forfeited to the State. That this regulation was in force before the time of the thirty tyrants, is proved by the following words of Andocides[155]: "When the fleet had been destroyed, and the siege commenced, you deliberated upon the expediency of concord among yourselves, and, upon the proposal of Patrocleides, you decreed to restore to their rights those who had been subjected to Atimia. Now who these persons that had been thus sentenced were, and what were the circumstances connected with each case, I will mention to you. They were then, in the first place, persons owing money to the State, of whom some had filled official situations, and had not passed their accounts; some were in debt to the public, for obtaining unjust possession of property (ἐξοῦλαι in the widest sense), or in consequence of public suits (which the accusers had lost), and for fines adjudged by a court of justice (ἐπιβολαί); others having taken leases from the public had not paid the stipulated sum, or had been sureties to the State: all these persons, I say, were permitted to pay on or before

[155] De Myst. p. 35. Concerning the abolition of the Atimia see Xenoph. Hellen. II. 2. 6. concerning the payment of the double amount see Liban. Argum. ad Demosth. in Timocrat. p. 696. 2. and Demosthenes himself p. 705. 1. With regard to the ἐξοῦλαι see below chap. 12. From these fines the ἐπιβολαί and the money paid for unsuccessful γραφαί are essentially different, as every one will perceive from the statements presently made. I may observe that it has been inferred with great probability (but not with absolute certainty) from Andocides p. 45 sqq. that the law relating to the public debtors was repealed in the Archonship of Euclid; it must however have been again introduced, as it was indispensable.

the ninth prytaneia, and in case of non-payment they were to be fined double, and their possessions sold for the benefit of the State. This was one species of Atimia." This passage only leaves one point doubtful, viz. whether the Atimia was not put into force until after the omission of the payment in the ninth prytaneia, or whether it followed immediately upon failure of payment at the appointed period. There can be no question but that the latter was the case; the Atimia was immediately inflicted, if the first term of payment was neglected; because otherwise no one would have paid until the ninth prytaneia: and the debtor could moreover be thrown into prison by an augmentation of the punishment (προστίμημα) [156]. Both these facts may be seen from the speech of Demosthenes against Timocrates. The latter person had proposed a law, which enacted that the public debtors should not be put in prison before the ninth prytaneia; by which means, says the orator [157], he makes the *augmentations of punishment invalid;* that is to say, he deprives the court of the right of inflicting that penalty, and exempts the public debtors from Atimia. Here the Atimia, together with the right of augmenting the punishment, is evidently supposed to apply to the time preceding the ninth prytaneia: the penalty of excommunication or Atimia was moreover inseparably associated with the idea of a public debtor, which every one became from the day on which he should have made his payment. Lastly, the law of Timocrates itself shews, that the person bound to pay was liable to imprisonment immediately after the expiration of the first

[156] Concerning this see chap. II.

[157] P. 729. 8. upon the meaning of the words ἄκυρα τὰ προστιμήματα ποιεῖ, cf. Herald. Animadv. in Salmas. Observ. ad T. A. et R. III. 3. 10.

term: he thus became a public debtor, and therefore subject to Atimia. Timocrates did not include the farmers of the duties within the operation of his law, but intended that the ancient laws should remain in force with regard to them; his only object being to favour certain persons connected with himself, who had been concerned in the administration of public monies[158]; and therefore proposed, that "if any one of the public debtors, by any law or decree, had been, or should be, condemned to imprisonment as an additional punishment, either himself or some one for him should be allowed to furnish sureties for the debt; and that, when he had provided sureties, if he paid the State the money for which he provided the sureties, he should be released from prison: but if he should not, either in his own person or through his sureties, pay the money in the ninth prytancia, that the party bailed should be thrown into prison, and that the property of the sureties should be forfeited to the State; but that in the case of farmers of duties and their sureties, and collectors, and persons renting public property and their sureties, the money due should be exacted by the State according to the existing laws. And if any person should become a public debtor in the ninth prytancia, he should pay the money owing either in the ninth or tenth prytancia of the following year[159]." The right of imprisoning the farmers of the duties, even without a judicial sentence, which was required in other cases (imprisonment being an additional

[158] Demosth. passim, more particularly p. 719. 26 sqq.

[159] Demosth. p. 722. 17 sqq. Cf. Liban. in the argument, where however what he says in p. 696. 21. of the imprisonment of the debtor in the second year in reference to the ancient law is manifestly false, and borrowed from the conclusion of the law of Timocrates.

punishment), is also contained in the oath of the senate of five hundred: "Neither will I imprison any Athenian who produces three sureties having the same valuation as himself, except he is convicted of treason against the State, or of subverting the democracy, or has not paid the duty when a farmer, surety, or collector [160]." The object of thus imprisoning the farmers was both to prevent the possibility of their escape, and to terrify them from any irregularity in their payments, which might be the occasion of much financial difficulty to the State: and for the prevention of inadequate security, the sureties were subject to the same penalties [161]. The property of the temples was also protected by similar laws; for any tenant who failed to pay the rents of the lands of the gods and heroes of the tribes, himself, together with his whole family and heirs, was laid under Atimia, until they were paid [162]. Now that Timocrates, when he mitigated the severity of this law, was not so much actuated by philanthropy as by personal views, is evident from the exception which he made in prejudice of the public farmers: for since these persons, as Demosthenes [163] remarks, were exposed to injury, the provisions of the new law would have been extended to them with the greatest propriety: nay this statesman was so little consistent with himself, that he had formerly passed another law, which provided that the offenders who had been prosecuted by an Eisangelia, and

[160] Demosth. in Timocrat. p. 745. 12 sqq. Cf. Andocid. de Myst. p. 45. and Demosth. p. 731. 10 sq.

[161] Besides the passages already quoted see the speech against Nicostratus p. 1254 extr. and p. 1255. 1.

[162] Demosth. in Macart. p. 1069 extr.

[163] P. 738. 20 sqq.

condemned to pay a fine, should be imprisoned until such time as they paid [164].

From this account of the subject, which has been intentionally given at greater detail, as in most books which contain any information on this head it is mixed and confused in endless contradiction, it is evident what judgment must be passed upon the passage of Ulpian [165] concerning this point. "It must be known," he says, "that the farmers of the duties were bound to furnish sureties in the very first instance, so that if they did not pay until the ninth prytaneia, either they or their sureties paid the double amount; and all debtors did the same: as soon as they were indebted to the State, they were compelled to furnish sureties, that they would pay the same before the ninth prytaneia, and remained under Atimia until they paid. If however the ninth prytaneia arrived, and they had not yet paid, they were put in prison, fined double, and were no longer allowed to find bail." The grammarian evidently confounds the existing ancient laws with the proposal of Timocrates, which moreover made no mention of the public farmers: the sureties provided by the farmers were also responsible for the first payments before the last term: the Atimia, and the right of imprisonment, could be adjudged immediately after the first term had been neglected; the ninth prytaneia brought with it the payment of double the sum then due; and if this fine was not attended to, the confiscation of property followed: whereas the proposal of Timocrates took away the liability to imprisonment from the public debtors

[164] Demosth. p. 720, 721.

[165] Ad Demosth. in Timocrat. p. 449. I pass over Suidas and others, who have nothing peculiar or important.

(with the exception of the farmers of the duties and the farmers of the landed property, together with their sureties), if they could furnish security until the ninth prytaneia, and accordingly imprisonment could not take place until after the expiration of this term; it moreover wholly abolished the doubling of the money in causes which were not sacred, and of increasing its amount tenfold in sacred causes, in which the latter was the legal penalty for the offence [166].

In what prytaneias the payments of the duties were appointed to be made, we are not informed. According to Suidas and Photius [167], two terms were fixed for the farmers of the duties, the first before the beginning of their lease, and afterwards a second; the money paid at the former term was called the payment in advance (προκαταβολή,) and that paid at the latter was called the additional payment (προσκατάβλημα.) This statement, which is founded upon the testimony of an ancient author, has much probability: thus we find, that rents were paid to the boroughs and the tribes in a similar manner, either in two payments, in the first and sixth month, or in three payments, in the first, seventh, and eleventh months[168]: that a payment took place in advance, at least coincidently with the beginning of their office, can scarcely be doubted; the additional payments were perhaps distributed over several prytaneias. A difficulty however arises from the manner in which Demosthenes speaks of these additional

[166] Concerning these points comp. also Demosth. p. 726. 22 sqq. p. 728. 159. p. 730. 1—4. p. 732. 24.

[167] In v. προκαταβολή. According to Lex. Seg. (δικ. ὀνομ.) p. 193. 7. προκαταβολὴ is πρὸ τῆς προθεσμίας διδόμενον.

[168] See above chap. 2.

payments (προσκαταβλήματα). For in the speech against Timocrates[169] he says, in order to prove that the administration was endangered by the new law proposed by this person, "You have an excellent law, which enacts, that those who are in possession of money either belonging or not belonging to sacred corporations, shall deposit it at the senate-house. And in case of omission, that the senate may claim it by the laws which regulate the letting of duties. It is by this law that the administration of public affairs is carried on. For," he immediately proceeds to say, "if the money arising from the duties is not sufficient for the uses of the administration, the remaining payments are made through fear of this law. Is it not then manifest, that the whole fabric of the State must be dissolved, if the payments of the duties (αἱ τῶν τελῶν καταβολαὶ) are insufficient by a considerable sum for the demands of the administration? Nor even in such a case as this could they be obtained until the conclusion of the year. And if neither the senate nor the courts of justice are authorized to imprison those who fail to pay the remaining portions, but the defaulters are allowed to provide sureties until the ninth prytaneia, what will become of us during the intervening eight?" In this passage the additional payments are opposed to the duties. The laws relating to the letting of duties appear to have been only applied to them[170], and the duties themselves were not paid in full until about the end of the year. If this representation is correct, I confess that I do not understand what these additional payments can be. By the sacred and public money, which had been received by private individuals from the State,

[169] P. 730, 731.

[170] On this point comp. also p. 732. 1, 2.

nothing else can be meant than rents of duties and lands, and fines which were owing to the public. Among these the additional payments must be included, according to Demosthenes' own words. That they were fines is extremely improbable, if we may judge from the force of the word. What then can they be, except unpaid rents of duties and lands? Are we therefore to suppose that Demosthenes, when he speaks of duties, only alluded to the sums that were paid in advance? This hypothesis is hardly credible, especially as he again says, that the duties were paid in full about the end of the year. Or was this last remark added on the supposition that the first payments of the public farmers were not, according to the law of Timocrates, to be made until the ninth prytaneia, as the farmers were to provide security up to that period? This would be an unheard of piece of sophistry; for Timocrates particularly excludes the farmers of duties from the benefits of his new law. I am therefore forced to confess my ignorance of what Demosthenes means by those additional payments, and must leave the statement of Suidas to rest upon its own authority, in the hope that some acuter person may solve the difficulty which I have pointed out.

(9.) The second head of the public revenue comprehends the Justice-fees and Fines. This source was not by any means inconsiderable. Among the advantages which Sparta might expect to gain by the fortification of Decelea, Alcibiades enumerates the loss which the Athenians would sustain of the revenues from the courts of justice[171]; as

[171] Thucyd. VI. 91. The Scholiast upon this place ignorantly and inaccurately mentions the fines in several lawsuits, as e. g. in the action for bribery (δωροδοκίας), personal injury (ὕβρεως),

a cessation of justice was caused by the existence of a war in the country. The circumstance of Alcibiades using this as an argument in favour of his proposal, proves that the sum lost would not have been inconsiderable. The productiveness of these imposts was increased by the obligation of the allies to try their causes in Athens, and this source of revenue, as it increased the amount of the dicast's wages, and consequently contributed largely to the support of the citizens, was of the highest importance. The justice-fees and fines then, which here come into consideration, are, in the first place, the four mentioned together by Pollux [172], Parastasis, Epobelia, Prytaneia, and Paracatabole, of which the first and third always accrued to the State, the fourth probably in certain cases, the second never: to which may be added, the damages assessed for offences (τιμήματα), if they were estimated in money, and the fines imposed by law upon unsuccessful plaintiffs.

I will first consider the Prytaneia (πρυτανεῖα). These, as is well known, both parties were obliged to deposit in court, before the beginning of the suit—not however if the case was referred to an arbitrator—like the Roman *Sacramentum:* if the plaintiff omitted this payment, the officers who introduced the cause (οἱ εἰσαγωγεῖς) quashed the suit; the party which lost the cause paid both Prytaneia, that is to say, his own were forfeited, and he

sycophancy, adultery, false registration (ψευδογραφίας, by which he probably means ψευδογγραφῆς, the action for false enrolment among the public debtors), for malversations of ambassadors (παραπρεσβείας), and leaving the army (λειποστρατίου): whereas upon all these offences much severer penalties than fines could be imposed.

[172] VIII. 37.

replaced the sum which had been paid by the successful party[173]. The amount was accurately fixed according to the standard of the cause, in the pecuniary assessment; in a suit for sums of from 100 to 1000 drachmas, three drachmas was the amount to be paid by each party; for sums of from 1001 to 10,000 drachmas, thirty drachmas[174]; for larger sums probably in the same progression. With regard to suits for less than 100 drachmas, nothing is stated; probably no prytaneia were paid for them, a case to which Valesius appears with justice to refer a proverb preserved in Hesychius[175]. It is to be also observed, that the statement of Pollux is confirmed by two cases in judicial pleadings which are still extant. Callimachus, as mentioned in Isocrates, had instituted a suit for 10,000 drachmas against the client of this orator, who defended himself with a Paragraphe: but he afterwards relinquished it in order that he might not be obliged to pay the epobelia, which he must have done if he did not obtain the fifth part of the votes; subsequently however having gained over the authorities to his side, he again set the cause on foot, as he now thought that he had only to fear the danger of losing the prytaneia[176]. The defendant, on the other hand, makes use of a law of Archinus, which

[173] Demosth. in Everg. et Mnesib. ψευδομ. in the passage which will be immediately quoted, Pollux VIII. 38. Harpocration in v. πρυτανῖα, and thence Suidas, Photius, and Schol. Aristoph. Nub. 1139.

[174] Poll. VIII. 38.

[175] Hesychius in v. ἄνευ πρυτανείων, Vales. ad Harpocrat. p. 165. ed. Gronov. Matthiä on the other hand (Miscell. Philog. vol. II. p. 262.) refers this to the δίκη κακώσεως: the δίκη ὕβρεως might be also understood: but of this hereafter.

[176] Παραγραφὴ in Callimach. 5—7.

was passed under the following circumstances. After the return of the people from the Piræeus, many citizens had been accused before the people contrary to the act of amnesty, on the charge of having committed injustice in connecting themselves with the aristocratical party; in order therefore to secure these persons against frivolous actions, he enacted that if any one should be accused contrary to the oath of amnesty, he could defend himself by a Paragraphe, and whichever of the two parties should in that case be found guilty, was to pay the epobelia to the other. The orator however endeavours to shew that Callimachus was violating the act of amnesty, in order that he should not merely be exposed to the danger of losing the 30 drachmas[177]. In this case these 30 drachmas are evidently the prytaneia: Isocrates' client however only reckons the prytaneia for one party, which would be due to him from Callimachus, in case the latter person lost the cause; of the other prytaneia, which Callimachus had already paid, he takes no account, since his only object is to form an antithesis between the additional payments which would be made in either case: these being the prytaneia to be restored to the successful party, in case no Paragraphe was instituted, and the prytaneia together with the epobelia, which would be paid by one party after the introduction of a Paragraphe. Another clearer case occurs in the speech against Euergus and Mnesibulus for false testimony, in the works of Demosthenes[178]. The plaintiff

[177] Ibid. 1—2. also 9 sqq.

[178] P. 1158. 20 sqq. Cf. p. 1162. 20. In a recent manuscript of no authority, the sum in both places is 1403 drachmas 2 oboli, of which nothing can be made. It is a corruption from XHHHΔIIIII into XHHHHIIIII. Petit as usual (Leg. Att. V. 1.

had lost to Theophemus a cause for personal injury (δίκη αἰκίας), which was connected with a cross-suit, both parties having come forward as plaintiffs; and he was forced to pay 1313 drachmas 2 oboli to him: in this sum the epobelia and the prytaneia amounting to 30 drachmas are expressly included: the fine was doubtless a round sum, and probably amounted to 1100 drachmas, upon which supposition the epobelia came to 183 drachmas 2 oboli. From this it is evident that the idea of some grammarians[179], that the prytaneia were the tenth part of the estimated damages, does not deserve the least credit; especially as we are enabled easily to explain how they fell into this error. They state that the prytaneia were deposited by the plaintiff alone, whereas they were paid by both parties; but in the case of a suit in which any party claimed an inheritance or an heiress, the paracatabole was paid by the plaintiff alone, which amounted to the tenth

3.) confuses the whole passage. Palmerius understood it rightly, but without correcting the errors of the common reading. Instead of χιλίας μὲν καὶ ἑκατὸν δραχμὰς καὶ τρεῖς καὶ δύω ὀβολὼ τὴν ἐπωβελίαν, which is manifestly imperfect, should be written χιλίας μὲν καὶ ἑκατὸν δραχμὰς τὴν καταδίκην, ὀγδοήκοντα δὲ καὶ ἑκατὸν δραχμὰς καὶ τρεῖς, καὶ δύω ὀβολὼ τὴν ἐπωβελίαν, although perhaps the right place of the words καὶ τρεῖς is before δραχμάς. With regard to the position of the words, which was chosen for a reason which will be easily perceived, compare Dinarchus ap. *Dionys. Halicarn. in vit. Dinarch.* χρυσίου μὲν στατῆρας ὀγδοήκοντα καὶ διακοσίους καὶ πέντε. The epobelia in the cross-suit was not paid from the timema, fixed by the adversary, but from that at which the party himself had assessed his opponent: in this case however, both were manifestly the same, as the accurate coincidence of the numbers shews.

[179] Pollux ibid. Hesychius, Ammonius, and thence Thomas Magister in v. πρυτανεῖον.

part of the valuation; it was with this payment that they confounded the prytaneia. This confusion is particularly apparent in the statements of Suidas and the Scholiast to Aristophanes: the latter[180] informs us, that the prytaneia, which amounted to the tenth part of the valuation, were also called paracatabole; the former[181] applies the statement that the paracatabole was the tenth part of the valuation, to the prytaneia in the Clouds of Aristophanes, and particularly mentions the identity of the two. Both these writers are ignorant enough to assert that the creditors paid a tenth part of the sum in suits relating to monies owing to them, which were called prytaneia[182]; which account is in the first place censurable for stating that the tenth part was always paid, and in the second place for mentioning the prytaneia alone in the Clouds of Aristophanes[183]. It should however be observed, that this confusion of the prytaneia with the paracatabole is derived from an idiomatical ambiguity of terms; for when used in its wider sense, the latter expression denotes any sum of money paid in court; hence again, the Etymologist explains the parastasis and paracatabole as identical[184]. The prytaneia may accordingly be included under the paracatabole in its more general meaning, but they are not

[180] Schol. Nub. 1258.

[181] Suid. in v. παραπαταβολή. Concerning these errors comp. also Petit. Leg. Att. V. 1. 9.

[182] Schol. Vesp. 657. Suidas in vv. πρυτανῖον and πρωπαταβολή.

[183] Vs. 1181, 1257. The Scholiast on the Clouds (vs. 1192.) says that the prytaneia were a drachma paid into the public treasury, confounding them with the parastasis.

[184] Isocrat. in Lochit. 3. with the notes of Valesius ad Harpocrat. Demosth. in Pantænet. p. 978. 20. Harpocration, Photius, and Suidas, in v. παραπαταβολή, Etymol. in v. παραπατάστασις.

for that reason the same as the paracatabole in its more limited signification; and still less can the latter, as Maussac supposed, be classed among the prytaneia.

With the prytaneia the Parastasis (παράστασις, παρακατάστασις) was intimately connected. The pay of the arbitrators or Diætetæ was called by this name [185], with which we have no concern in this place, as it was paid directly into the hands of the Diætetæ, and not into the public treasury: and to this payment the words of Harpocration refer, when he explains the parastasis to be a drachma, which was deposited by persons who carried on private law-suits. On the other hand, there was another parastasis of unknown, but probably very small, amount, and the same in all cases: perhaps this one was not more than a drachma, and was doubtless received by the State [186]. According to Aristotle [187], it was paid before the public actions to the Thesmothetæ, if a foreigner was accused of having illegally introduced himself among the citizens (γραφὴ ξενίας), or was charged, after an accusation of this kind, with having obtained a favourable verdict by bribery (γραφὴ δωροξενίας); again in suits concerning false enrolment among the public debtors (ψευδεγγραφῆς), for false summoning (ψευδοκλησίας), conspiracy (βουλεύσεως), false erasement from the list of the public debtors (ἀγραφίου), and for adultery (μοιχείας). This is not a complete enumeration of the public suits [188]; the author however appears only to have

[185] See book II. 15.

[186] From which the statement of the Scholiast on Aristophanes (Nub. 1192.), which I have quoted in note 183. may probably be explained.

[187] Ath. Polit. ap. Harpocrat. Phot. in v. παράστασις. Cf. Poll. VIII. 8. Phot. in v. παρακατάστασις.

[188] See Matthiä Miscell. Philog. vol. I. p. 247 sqq.

quoted them as instances, and it can hardly be doubted that the parastasis was paid in all other actions (γραφαὶ) brought before the Thesmothetæ, and in all other public suits. It appears however to have been deposited by the plaintiff alone, for the purpose of calling out his adversary, and of introducing the suit. It is very certain that parastasis and prytaneia were never paid together; for both of them had the same object, viz. of setting the cause on foot: it may however be well enquired, in what cases the one or the other payment was made, an investigation which has not as yet been undertaken by any writer. Omitting then the parastasis of the Diætetæ, I assert, that in private law-suits (ἰδίαι δίκαι) prytaneia alone, and no parastasis, were paid, and conversely that in the public actions (δίκαι δημοσίαι, κατηγορίαι, γραφαὶ) parastasis alone, and no prytaneia. We even learn from examples, that prytaneia were paid in private and parastasis in public causes: thus the former were deposited in cases of debt; as for example, Strepsiades' creditor in the Clouds threatens him with depositing the prytaneia[189]. This regulation is quite intelligible. All private causes, with the exception of those which were instituted for personal injury, referred to wrongs for which fines had been appointed by law[190], so that the latter could not be altered, except that in suits for damages the plaintiff so far appointed the fine, that he estimated his own injury[191]; in which case an alteration in the estimate could only have been made by petition, and mostly with the consent of the plaintiff. Here then

[189] Vs. 1257.

[190] The word τίμημα is here translated by fine, whether it had the nature of damages or of punishment.

[191] See chap. 11.

the prytaneia could be fixed with certainty. Again, in a private cause the plaintiff claimed either a sum of money or money's worth from the defendant, which moreover he was himself to receive: it was therefore fair that he should be subject to the payment of justice-fees. But in public suits the determination of the prytaneia would have been liable to great difficulties, and in many cases have been wholly impossible. For if either loss of life, banishment, confiscation of property, or Atimia, were assigned as the penalty, it would have been impossible to estimate the amount of the prytaneia, as they were always fixed according to the money in question. The fines in public causes were also subject to considerable and frequent alterations, and if the payment of the prytaneia took place in cases of this description, they could only have been fixed according to the estimate of the plaintiff in his pleadings; but as we find no mention of any such arrangement, we may safely conclude that it did not exist. When for example Æschines, in his action against Ctesiphon for illegal proceedings (γραφὴ παρανόμων), estimates the damages at fifty talents, the prytaneia of both parties would together have amounted to a talent, the payment of which would have fallen upon the losing party: but nothing of the kind is any where alluded to, although the far inferior loss of the thousand drachmas, which the plaintiff was to pay in case he did not obtain the fifth part of the votes, is repeatedly mentioned. Moreover the public plaintiff did not pursue his own advantage; and if he gained the cause, the State, or whoever was the injured party, and not the accuser, received the fine. It would not therefore have been just that he should pay any prytaneia. It was also against the interest of the State to throw difficulties in the way of public actions, by compelling the deposit of prytaneia.

The only payment required in the case which has been just quoted, was the penalty of the thousand drachmas imposed upon the plaintiff for the purpose of restraining frivolous accusations; and in cases in which a private money-suit was mixed with a public action, the epobelia was exacted: the parastasis however appears to have had a symbolical meaning, and to have signified that the cause was set on foot. In every other case the State decided all public actions gratis, as they related to matters concerning its own interest, and the fines were afterwards sufficient to cover the expence. There were however instances of public actions from which the plaintiff, in case he gained his suit, obtained some advantage at the same time that he prosecuted the offender; in such cases as these the plaintiff paid the prytaneia for one party, but the plaintiff alone. Thus a law enacted, that whoever dug up olive-trees, excepting upon particular occasions, should pay to the State a fine of 100 drachmas for each tree, and an equal sum to the plaintiff: "the plaintiff however was to pay the prytaneia for his own share[192]." This was a public action; for the interest of the community, and not of any individual, was injured by the diminution of the culture of olives, and all persons were at liberty to accuse. Now since the payment of the prytaneia is expressly enjoined in this law, it is manifest that they were not commonly required in public actions, or otherwise it would have been unnecessary to insert this clause. The reason however why the plaintiff alone was bound to pay them is, that he might derive individual advantage from the introduction of the cause, in case he was successful; so that considered

[192] Πρυτανεῖα δὲ τιθέτω ὁ διώκων τοῦ αὐτοῦ μέρους, Lex ap. Demosth. in Macart. p. 1074. 19.

in this light it was his private suit: thus the Roman law made the injury of the Prætorian Album a private cause (*causa privata*), although the privilege of accusation was free to any person (*in causa populari*). The defendant however did not deposit any prytaneia, inasmuch as he did not injure the private interest of the plaintiff, and on his side the cause was entirely public.

There was also another kind of public action, in which the plaintiff might advance his own interests, while at the same time he endeavoured to maintain the rights of the State: this was the Phasis, which form of proceeding might be instituted either in the case of robbery of public property, or in offences concerning trade, custom-duties, and mines, sycophancy, and offences against wards; in this form of action all persons had the right of accusing, even if they were not the parties injured. If a person who had not been injured came forward as accuser in a Phasis, and if he only undertook the action as the representative of the public, and not as his private suit, the estimated damages were not awarded to the plaintiff, if he gained the cause from the defendant, but to the injured party[193]; to the State, for example, if the property of the State was injured; to the farmers of the customs, if the custom-duties had been fraudulently evaded; to the orphans, if the property of orphans had been embezzled. Consequently an accuser of this kind paid only the parastasis, and no prytaneia; but in order to repress frivolous accusations, the accuser was subjected to the risk of the thousand drachmas, and on certain occasions to the epobelia, if he did not obtain the fifth part of the votes[194]. But what were the regulations if the injured party himself

[193] Poll. VIII. 41, 48. [194] See chap. 10, 12.

came forward an accuser? In this case two different methods may be conceived to have existed. A subject which would justify the institution of a Phasis admitted of being viewed in a double light; and the plaintiff, whom the subject individually concerned, could, as I am convinced, select which of the two he would adopt. Thus for example, reparation might be obtained for personal injury either by a private (δίκη αἰκίας) or by a public action (δίκη or γραφὴ ὕβρεως), according as the plaintiff chose: so, according to Demosthenes, the law intentionally allowed in very many cases not two only, but even four different methods of proceeding, in order that every person might choose according to his disposition and circumstances: for instance, a person might institute a private suit for a theft of property exceeding 50 drachmas, and among public suits the common action, the Exegesis and the Ephegesis; there were also four different forms of proceeding in a case of impiety, and so with almost every other offence[195]. The correctness of this assertion is proved by the spirit of the whole Athenian law. In the same manner the law, in an instance in which private property had been injured, either allowed a case which justified the procedure by Phasis, to be in fact brought on as a Phasis or a public suit (which course a person who had not received any injury, in case he wished to come forward as accuser, was always compelled to take), or the injured party was at liberty only to found a private suit upon it, for the purpose of prosecuting his own rights. By the former method of proceeding the plaintiff brought the defendant into greater hazard, for he was subject to

[195] Demosth. in Androt. p. 601. On this point see more particularly Herald. Animadv. IV. 7. 8.

the penalty not only of a fine, but also of imprisonment and death: at the same time he exposed himself to the risk of the thousand drachmas, and also to the epobelia, if he did not obtain the fifth part of the votes. In the latter case the defendant was exposed to less risk, and the plaintiff was not subject to the loss of the thousand drachmas, but only to the epobelia. Now with regard to the prytaneia, we can hardly suppose that they were required in the first case, as the injured party came forward solely in the character of public accuser, and the fine which he received would have been equally paid to him if another person had been plaintiff: in the latter case however prytaneia were unquestionably required, as the cause was merely a private suit. It is probable that, unless some particular cause of animosity or violence existed, the method of the private suit was generally preferred; and we have still two law-suits extant, which might have justified a Phasis, and were nevertheless instituted as private causes. Pollux expressly states that the action against guardians (δίκη ἐπιτροπῆς) was a public suit, and adds, that any person who wished it was at liberty to prosecute the guardian in behalf of the injured orphans[196]; and yet in another place he calls it a private suit[197]: so again the author of the Lexicon Rhetoricum considers the action for the omission of the letting of orphans' property as a Phasis, and at the same time as a private suit[198]; and it is also cited

[196] Pollux (VIII. 35.) calls it the δίκη ἐπιτροπῆς δημοσία. Ἐξῆν γὰρ τῷ βουλομένῳ γραφεσθαι τὸν ἐπίτροπον ὑπὲρ τῶν ἀδικουμένων ὀρφανῶν.

[197] VIII. 31. Heraldus Animadv. in Salmas. Observ. III. 4. 5. also considers that the δίκη ἐπιτροπῆς was a private suit.

[198] Lex. Seg. p. 313. cf. p. 315. Etymol. in v. φάσις, Phot. in v. φάσις, particularly in the second article, and Epitome of Harpocration, quoted by the Commentators upon Pollux VIII. 47.

by Pollux, together with the action against guardians, among the private suits [199]. The law-suit of Demosthenes, detailed in the speeches against Aphobus, which have been placed by the arrangers of his works among the private orations, is an action against guardians. Are we then to suppose that these persons were deceived in a whole set of speeches so important in the history of Demosthenes? It is highly improbable that they should have committed so great an error, although it is true that they have incorrectly classed two other speeches [200]. It is indeed evident from the tenour of the speech itself, that the action was not a Phasis, but merely a private suit. Demosthenes frequently complains that he is exposed to the risk of the epobelia, to which his property was only just sufficient, and which should not in fairness have applied in his case [201]. Again, if the action had been a Phasis, he would have spoken of the thousand drachmas, which must have been paid in the same case to which the epobelia applied. But of this payment he says not a

[199] To this action the words of Pollux VIII. 31. (δίκη) μισθώσεως οἴκου should be referred. Hudtwalcker is incorrect in supposing (*von den Diäteten* p. 143.) that the δίκη μισθώσεως οἴκου is the same as the action for the payment of house-rent (δίκη ἐνοικίου), an error into which he was probably led from the difference between οἶκος and οἰκία in the Athenian law having escaped him. Heraldus has pointed out the meaning of οἶκος correctly in his *Animadv. in Salmas. Observat.* III. 6. 10.

[200] In the speeches against Nicostratus and against Theocrines, neither of which however is by Demosthenes. The latter was considered by Callimachus to be the work of Demosthenes, but Dionysius and the greater number of authorities include it in the works of Dinarchus, and justly give it a place among the public orations. See the Life of Dinarchus by Dionysius.

[201] P. 834. 25. p. 835. 14. p. 841. 22. p. 880. 9.

word. Or are we to suppose, that in the action against guardians the Phasis itself, which in all other cases was a public suit, became a private one, with this difference only, that any person had the liberty of accusing? This is apparently the notion which the author of the Lexicon Rhetoricum had formed of this point, as he calls the Phasis a species of public and private action, and the latter with reference to the omission of the letting of orphans' property; his statement however is probably founded upon a confusion, the origin of which was that the subject of a Phasis could equally be the subject of a private cause; and that it was the wish of the government that offences connected with guardianship should be treated as public actions, as well as offences relating to harbours, custom-duties, and mines, and sycophancy, in order to give greater protection to orphans. And it is remarkable that Photius, who for the most part coincides with the Lexicon Rhetoricum, opposes the Phasis regarding the property of orphans, to the public actions, but yet he does not distinctly call it a private suit; so that the grammarians do not themselves appear to have formed any precise notion of the subject. It may therefore be supposed that, as in the Roman law, the *actio tutelæ* of the ward against the guardian, at the end of the guardianship, for a restitution of the property taken from him during the minority, was a private suit, and the *actio suspecti* of a third person against the guardian who acted dishonestly during the tutelage was a quasi-public (*quasi publica*) suit, so in the Athenian law, a distinction of the following nature existed between the actions against guardians; viz. the public action was the Phasis, not being however, as in the Roman law, limited to a third person, and to the con-

tinuance of the guardianship[202], and the private suit was the δίκη ἐπιτροπῆς and μισθώσεως οἴκου. The grammarians then appear, in the first place, to be in error when they call the δίκη ἐπιτροπῆς and μισθώσεως οἴκου a public action[203], and secondly, when they call the Phasis in actions against guardians a private suit; excepting that this Phasis, by reason of its double relation, both to the injury of individuals and to that of the State, may be considered as a public and at the same time as a private action, and by

[202] A public action against a fraudulent guardian is extant in the oration of Lysias against Diogeiton, where he speaks of the extreme of danger (ἔσχατοι κίνδυνοι, p. 893. ad fin.) which alludes to the penalty of death. It is instituted by a third person, but after the conclusion of the guardianship, and the passing of the accounts. That the injured party was also empowered to bring on this kind of action, I do not find any where expressly stated, but it can hardly be doubted that such was the case, if we may judge from the spirit of the Athenian law, by which the greatest liberty in the selection of the mode of proceeding was allowed.

[203] It may be easily perceived how Pollux, who alone as far as I remember, calls the δίκη ἐπιτροπῆς a public suit, was led into this notion. For after having correctly mentioned the δίκη ἐπιτροπῆς and μισθώσεως οἴκου in the enumeration of the private suits, he returns to it only incidentally in VIII. 35. in the words ἀπροστασίου δὲ κατὰ τῶν οὐ νεμόντων προστάτην μετοίκων· ἀλλ' αὕτη (as should be read for αὐτή) μὲν δημοσία, ὥσπερ καὶ ἡ τῆς ἐπιτροπῆς. ἐξῆν γὰρ τῷ βουλομένῳ γράφεσθαι τὸν ἐπίτροπον ὑπὲρ τῶν ἀδικουμένων ὀρφανῶν. Here it occurred to him accidentally, that the guardian might be prosecuted by any person, viz. by a Phasis, and thus he thought it necessary to remark, that the δίκη ἐπιτροπῆς was a public suit, although he had before stated it to be a private suit. The first account he appears however to have derived from good authority; the accidental observation evidently came from his own head, and therefore deserves but little credit.

this means the account of the grammarians may be in some measure justified: whereas it is extremely improbable that the public action or the Phasis, and the private suit, were both called δίκη ἐπιτροπῆς and μισθώσεως οἴκου. There is a corresponding resemblance between the proceedings against Aphobus, and the law-suit detailed in the speech against Dionysodorus. The defendant, as is plain from the charges of the accuser, had not only injured him, but also transgressed the commercial laws; consequently he might have been prosecuted for this latter offence by a Phasis; it is however manifest from the whole speech, that this matter was taken up as a private suit; and we therefore hear nothing of the possible loss of the thousand drachmas, but only that the plaintiff, in case of failure, will be forced to pay the epobelia[204]. We do not indeed in either of these two law-suits find any mention of the prytaneia, an omission in which there is nothing remarkable; for their loss and restitution was so much a matter of course, as they were deposited in all private causes with the exception of the private action for personal injury, that no allusion to this payment need be expected. Apollodorus also in the first oration against Stephanus[205], in an action for debt, in which we know with certainty from Aristophanes that the prytaneia were always required, only remarks that he should have to pay the epobelia in addition, silently implying the loss and restitution of the prytaneia.

Heiresses (ἐπίκληροι) were under the peculiar protection of the State. If therefore any person laid claim to an heiress whom another person wished to marry, as having

[204] P. 1284. 2.

[205] P. 1103. 15. προσοφλὼν δὲ τὴν ἐπωβελίαν.

a better right to her, he was compelled to pay the parastasis as in a public suit[206]. One description of actions, viz. the Eisangelia for mal-treatment of the helpless, for example of an heiress, of parents on the part of the children, and orphans on the part of their guardians (κακώσεως ἐπικλήρου, γονέων, ὀρφανῶν), which was brought on before the Archon Eponymus, received from the State a considerable preference, in the exemption from prytaneia and parastasis; and even if the accuser did not obtain a single vote, he was not, according to Isæus, exposed to any risk[207]. It is also to be observed, that this was a public suit, since every person was allowed to accuse either by instituting an Eisangelia[208], or a common action (γραφή)[209]: and the probable reason why Pollux[210] enumerates it among the private suits, is, that for the same wrong which justified a public action, the party injured (for example, the ward after the cessation of his minority), could seek for reparation by a private one. Another particular exception also existed in the actions for personal injury. Isocrates mentions[211], that public and private suits

[206] Andoc. de Myst. p. 60.

[207] Isæus de Pyrrhi Hered. p. 44, 45. and thence Harpocration in v. εἰσαγγελία.

[208] Isæus ut sup. Cf. Demosth. in Pantænet. p. 979 sqq. Herald. Animadv. in Salmas. Observat. III. 14. 4. Matthiä Miscell. Philog. p. 234 sq.

[209] Orat. in Theocrin. p. 1332. 14.

[210] VIII. 31.

[211] In Lochit. 3. Cf. Vales. ad Harpocrat. in v. παρανατροπή, Sigon. R. A. II. 6. Whoever wishes to see a full account of the δίκη αἰκίας and ὕβρεως, may find it in Heraldus Observ. et Emend. c. 46—48. And in his Animadv. in Salmas. Obser. ad T. A. et R. II. 9 sqq. and III. passim.

(γραφαὶ καὶ δίκαι) might be instituted for personal injury (ὕβρις) without depositing any *Sacramentum* (παρακαταβολή), which preference existed in this case alone. In this statement there is a trifling discrepancy with Isæus, who mentions that the Eisangelia before the Archon was the only one devoid of hazard. According to Isocrates, however, the private action for personal injury at least was completely free from risk, whatever might have been the case with the public suit, which, if this exemption did not extend to it, would have subjected the accuser to the loss of the thousand drachmas: unless the epobelia applied in the first case, if the plaintiff had not the fifth part of the votes on his side, a point as to which we are at least wholly uninformed. Nor was it only in actions for personal injury that no Sacramentum was necessary, since it was not paid in the Eisangelia above mentioned. Whether however the statements of the two orators can or cannot be reconciled with one another, thus much is certain, that in the action for personal injury the accuser paid nothing for the introduction of the cause, as well as in the case of which Isæus speaks: which was so arranged in order to give to the poor the means of protecting themselves against the oppression of the rich and noble, a preference founded upon a democratic, and we may boldly say, a truly humane principle; and for this reason also the prytaneia, which were paid in all other private causes, were not required in private actions for personal injury. Notwithstanding this, the payment of the prytaneia took place in the action for personal injury contained in the speech against Euergus and Mnesibulus. This law-suit, which we have already noticed, was however of a mixed kind; and from this circumstance the solution of this difficulty may be derived. The client of the Pseudo-

Demosthenes and his adversary Theophemus had beaten one another with cudgels: one of them instituted a private action for personal wrong (δίκη αἰκίας), and the other person did precisely the same: it was therefore a cross-suit (ἀντιγραφή). But the latter method of proceeding was particularly guarded against by the fear of the Epobelia, as it would have given rise to vexatious persecution from one party[212]; and for the same reason the preference granted to the action for personal injury, viz. that it should be introduced without any payment of money, ceased at the very moment when the suspicion of a vexatious intention was caused by the introduction of a cross-suit. The first plaintiff, who merely instituted an action for personal injury, paid no prytaneia; but the plaintiff in the cross-suit was compelled to deposit them; by doing which he at the same time entailed the payment of them upon the first plaintiff, who by this time had become defendant. If either party lost his cause without having the fifth part of the votes on his side—as, for example, the client of Demosthenes in the speech above quoted—in the first place his prytaneia were forfeited to the State, and he was obliged to replace the prytaneia of the successful party: in the second place, he had to pay the fine to his adversary; and, lastly, he had to pay to the opponent the epobelia for the fine, at which he had assessed his injury.

These monies, the prytaneia and the parastasis, were used, like the parastasis of the Diætetæ, for paying the wages of the dicasts; of the prytaneia in particular, as being the most important, it is mentioned, that they were applied to the payment of the courts of justice[213]. The

[212] See chap. 10.

[213] Xenoph. de Rep. Ath. I. 16. Poll. VIII. 38. Suidas and

Prytaneia have therefore been compared with the fees of the Roman courts; and this analogy has been supported by a passage in Aristophanes, which however does not prove that the dicasts received the prytaneia at Athens immediately, as the Romans received their fees[214]. On the other hand, Joseph Scaliger[215] has started the singular notion, that the corresponding payment at Rome were not the justice-fees, but the *Sportula* which was given by the nobles of Rome to their clients, in money or victuals, confounding them with the public feasts in the Prytaneum. If by the fees of justice, according to the Roman custom, we understand the payment received directly by the judges, the prytaneia cannot be called fees; but although not the same in name they were so in substance, and the only difference was that they were paid into the public coffers, as is the case at present in some places, and the State then paid the judges with this money. For this reason Aristophanes[216] reckons the prytaneia among the public revenues, which is also the account given by Suidas and Photius[217]: the presidents of the courts of justice assigned them to the proper authority,

Photius in v. πρυτανεία, where by the 6000 the judges are meant.

[214] Schol. Aristoph. Nub. 1139. Suidas in v. πρυτανεῖον, glosses quoted by Kühn ad Polluc. VIII. 38. Casaub. ad Athen. VI. p. 237. F. referring to Aristoph. Nub. 1200. Spanheim ad Nub. 1182.

[215] De Emend. Temp.

[216] See book III. 1.

[217] Πρυτανεῖα: πρόσοδος εἰς τὸ δημόσιον καταπασσομένη. Cf. Lex. Seg. p. 192. 17. Valesius (*ad Maussac. ad Harpocrat. p.* 326. *ed. Gronov.*) and Küster (*ad Nub.* 1134.) have given a correct general view of the question.

which was doubtless the office of the Colacretæ. For the Colacretæ had the duty of managing the feasts in the Prytaneum, for which, as their name sufficiently proves, the prytaneia were originally assigned, at a time when law-suits were received and introduced in the Prytaneum[218]; the same officers also distributed the wages of the dicasts, after their introduction as a regular stipend, and the prytaneia were then naturally appointed for the immediate payment of this salary. But how great must have been the number of law-suits in order to defray the wages of the dicasts, amounting to about 150 talents! Xenophon gives us to understand, that it chiefly was the litigations of the allies which made it possible to pay the dicasts out of the prytaneia; at the same time, as has been above remarked, additional money must have been supplied from other sources; for it is not credible that the prytaneia were ever alone sufficient; and moreover the pay of the dicasts was only one of those democratic forms, under which the public money could be conveniently divided among the people.

(10.) Another description of the payments made in the courts of justice was the fee (παραβολον)[219] upon appeals (ἐφέσεις); concerning which nothing is known accurately. The Paracatabole was however a fee of nearly the same nature: this was a payment, which was made by any person, who either claimed (ἀμφισβητεῖ) from the State any

[218] This is the meaning of Suidas in v. πρυτανεῖον and παρακαταβολή, Schol. Aristoph. Nub. 1139. Concerning the Colacretæ see book II. 6. and on the pay of the dicasts, book II. 15.

[219] This is the term used by Aristotle; by the moderns it was called παραβόλιον, Pollux VIII. 63. see Salmas. M. U. V. p. 198. Hudtwalcker von den Diäteten, p. 127.

confiscated property, or from individuals an estate adjudged to him, and it was forfeited, if the party lost his suit. The fifth part of the property claimed (τῶν ἀμφισβητουμένων) was paid before the action as paracatabole, if the party laid claim to confiscated property; and the tenth part if he claimed an inheritance or property of heiresses[220], and in fact the payment took place at the preliminary investigation into the case (ἀνάκρισις)[221]. The similarity of both cases with the appeal may be seen from this fact, that all confiscations of property were founded upon a judicial verdict, and whoever laid claim to property thus forfeited, if he did not in strictness of speech appeal against the decision, yet appealed against its application to a particular object; the resemblance is also strengthened by the circumstance, that the paracatabole was only paid in cases relating to the inheritance of property, when the plaintiff sought to obtain possession of an inheritance already adjudged to another person (ἐπιδικαζόμενα)[222], so that in this instance also an appeal

[220] Poll. VIII. 39, 32. Harpocrat. Suid. Phot. in v. παρακαταβολή, Lex. Seg. p. 290. (Harpocration refers to Lysias, Hyperides, and other orators): see Harpocration and Suidas in v. ἀμφισβητεῖν, and concerning the inheritances see Pollux VIII. 32. Timæus Lexic. Plat. in παρακαταβολή, and there Ruhnken, Demosth. in Macart. p. 1051. 20. 1054. 27. (from a law); in Leochar. p. 1090. ext. p. 1092. 20. Isæus mentions it in several places. And to this probably belongs what Didymus says in Harpocration in v. πρόπεμπτα: εἰσὶ γὰρ οἳ τὰ πέμπτα τῶν τιμημάτων (he should have said τῶν ἀμφισβητουμένων) παρακαταβάλλεσθαί φασιν, ὡς Λυσίας ἐν τῷ κατὰ Ἀπολλοδώρου ὑποσημαίνει. All the rest of this article is worthless, as has been already remarked by Valesius in his notes to Maussac.

[221] Isæus de Hagn. Hered. p. 2.

[222] See Bunsen de Jure Heredit. Athen. I, 2, 3.

was made against a former legal decision. In both varieties of the paracatabole the questions arise, by whom was it received, if the party who had deposited it lost the cause, and whether other justice-fees and fines could be combined with it. In order to determine these problems, it will be necessary to premise the following observations. The payments made in law-suits were of three kinds: in the first place, there were mere justice-fees, such as prytaneia and parastasis, which the unsuccessful party paid: in the second place, fines (τιμήματα), which the successful plaintiff received in private, and the State in public suits, excepting that in a Phasis, the injured party received the fine, and in certain private suits, a fine was annexed to be paid to the State: and, lastly, certain compensations, which in particular law-suits, the unsuccessful was compelled to make to the successful party, for the risk to which he had exposed him, for example the epobelia. Now the paracatabole appears to be of the latter kind, and it was evidently introduced in order to protect the State and all legal heirs from the vexatious suits of self-interested plaintiffs: from this it follows that it must have been received by the party who was injured by the suit, viz. in claims for confiscated property by the State, in cases of inheritance by the heirs. From this view of the case, the litigants were probably in addition to the paracatabole compelled to pay the common justice-fees, since they would have paid them if there had been no paracatabole, according to the respective circumstances of the suit, although I have not been able to find any information upon this point. The unsuccessful plaintiff does not appear to have been subject to any other punishments, or augmentation of punishment (προστιμήματα). It should also be observed,

that the payment of the paracatabole could only have been required from the complaining party, as a punishment for vexatious litigation.

Something must also be said on the subject of the Epobelia (ἐπωβελία), as in the writings of both early and modern scholars as little clear and definite information is found upon this point as upon the other justice-fees and fines[223]. The epobelia is the sixth part of the assessment of the suit (τίμημα), and was so called because an obolus was paid for every drachma of the valuation. As this circumstance is manifest from the name alone, and the best grammarians give the same account[224]; and as the examples of the epobelia occurring in Demosthenes, which will be presently adduced, prove it beyond a doubt, the statement which Hesychius and Eustathius have derived from ignorant writers[225], that the epobelia was the tenth part of the assessment, does not require refutation; it owes its origin to a confusion with the paracatabole, not unlike that which we have already seen in the case of the prytaneia. The true nature of this fine is given in general terms by Harpocration, who states that it was an additional valuation (προστίμημα) fixed by law, independent of the decision of the judges[226]: this account however leaves the questions open, in what law-suits, by whom, under

[223] Even the accurate Heraldus (*Animadv. in Salmas. Observ.* III. 4. (8—11.) 5. (ad fin.) is not satisfactory, but has adopted an entirely false view of the question, and Hudtwalcker only incidentally touches upon this subject in a few places.

[224] Harpocrat. Etymol. Suid. Zonaras in v. ἐπωβελία, Lex. Seg. p. 255. Schol. Plat. Ruhnk. p. 239. Poll. VIII. 39, 48. IX. 60. Cf. Salmas. M. U. p. 12 sqq.

[225] Hesych. in ἐπωβελία, Eustath. ad Odyss. A. p. 1405. 27.

[226] Harpocrat. in v. προστίμηματα, and thence Photius.

what circumstances connected with what, and to whom, was it paid. According to the Etymologist[227], the epobelia was introduced because many persons had been vexatiously accused in causes relating to money, particularly with regard to bottomry or sea-security: on which account the law imposed the epobelia upon the plaintiff, for the prevention of vexatious accusations (συκοφαντία); in that case it would have applied equally to all other pecuniary causes (χρηματικὴ δίκη). Probably this alludes to the fact mentioned by Isocrates against Callimachus[228], who states that Archinus, after the government of the thirty tyrants, introduced the payment of the epobelia in lawsuits in which the defendant was allowed the right of instituting a Paragraphe against the plaintiff, in order to protect him from vexatious accusations. The case mentioned in the speech of Demosthenes against Stephanus for false testimony[229], is precisely of this nature. The orator's client, Apollodorus, had brought an action against his step-father Phormion to recover a sum of money which he claimed from him; Phormion, on the other hand, instituted a Paragraphe, and Apollodorus, having been unsuccessful in the suit, was condemned to pay the epobelia. But the litigants were also exposed to the risk of the epobelia in pecuniary cases, even when there was no Paragraphe, as may be seen from the law-suit of Demosthenes against his guardians, and the cause against Dionysodorus on account of the non-repayment of a loan of money: and also in a Phasis which related to a fine; in this instance however it was doubtless limited within a narrower com-

[227] From which Suidas in v. ἐπωβελία is transcribed.

[228] In the beginning; comp. chap. 15, 16.

[229] P. 1103. 15.

pass, a restriction which will be more aptly pointed out in another place: and, finally, in the cross-suit[230] (ἀντιγραφὴ), on account of the appearance of vexation which it bore. It cannot be proved that any epobelia was required in actions for personal injury. The private suit for the same offence (δίκη αἰκίας) of necessity indeed led to nothing more than a fine, but it was distinguished in several essential points from a common pecuniary law-suit; and the only known case in which epobelia was paid in a private action for personal injury, related in the speech against Euergus and Mnesibulus, had also the nature of a cross-suit, which circumstance introduced the obligation of the epobelia. In the common action for personal injury (δίκη ὕβρεως) it is impossible to conceive that any epobelia existed; nor when Æschines against Timarchus[231] supposes the case of a person bringing an action against a youth, who, having sold his chastity by a written document, had violated his engagement, and considers it to be just that the plaintiff should both lose his suit, and suffer the penalty of death, "not only paying the epobelia, but also a fine for the other injury," must it be supposed that the plaintiff generally paid the epobelia in actions for personal injury; for this would not be a suit of this nature, but an action connected with pecuniary matters, which, as the agreement was contrary to law, would necessarily be lost; considered in the light of a pecuniary case, the plaintiff

[230] Poll. VIII. 58.

[231] Where the chief words that refer to this subject are, ἔπειτα οὐ καταλευσθήσεται ὁ μισθούμενος τὸν Ἀθηναῖον παρὰ τοὺς νόμους καὶ προσοφλὼν ἄπεισιν ἐκ τοῦ δικαστηρίου οὐ τὴν ἐπωβελίαν μόνον ἀλλὰ καὶ ἄλλην ὕβριν: the case here supposed is ἑταίρησις κατὰ συνθήκας, which actually occurred. See Lysias in Simon. p. 147, 148.

would of course suffer the penalty of the epobelia; but the orator supposes him to be punished with far greater severity for the seduction and disgrace of an Athenian youth. Speaking generally, the epobelia only applied in cases relating to money, and not in public law-suits, except in the Phasis.

With regard to the party who was bound to pay the epobelia there may seem to exist some doubt, for the passages of the grammarians apparently contradict one another, and the ancients do not explain themselves with sufficient accuracy. It seems to me probable, that not the plaintiff only, but the unsuccessful party in general, was subject to this payment, although a decisive proof to this effect cannot now be obtained. By the law of Archinus, both parties in the litigation, as well the accuser as the party instituting a Paragraphe, in case he was condemned, was bound to pay the epobelia[232]; which however cannot be accounted for by the reason which Pollux mentions[233], that the Paragraphe was similar to a cross-suit, and therefore both parties were considered as plaintiffs: Pollux asserts, that in the Phasis the unsuccessful party paid the epobelia, without making any distinction between plaintiff and defendant; which he also states in the most general terms of the epobelia[234]. And doubtless if in a Phasis

[232] See above chap. 9.

[233] Pollux VIII. 58. upon the principle of *Reus excipiendo fit actor.*

[234] VIII. 48. and 39. In the former chapter he says, ὁ δὲ μὴ μεταλαβὼν τὸ πέμπτον μέρος τῶν ψήφων τὴν ἐπωβελίαν προσωφλίσκανε, where by the word προσοφλισκάνειν the grammarian means to express the *additional loss* besides the loss of the suit: in the same manner in VIII. 58. ὁ δὲ ἀντιγραψάμενος μὴ κρατήσας τὴν ἐπωβελίαν προσωφλίσκανε. Demosth. in Stephan. ψευδομ. I.

the defendant paid the epobelia equally with the plaintiff, in case he lost the suit, by the same reason he must have paid it in a money-case to which the epobelia applied, even if it was only a private cause, for in the Phasis the epobelia was only added in reference to the money which the injured party endeavoured to obtain from the defendant; that is to say, merely in reference to that which in the Phasis is a private concern; and if the plaintiff was exposed to the danger of the epobelia, it was but just that the hazard of the accuser should be increased in an equal proportion. We have two instances of the plaintiff paying the epobelia in private cases; but if correctly understood, they do not warrant us in inferring that the defendant, if he was unsuccessful, would not have been compelled to pay it. Darius and Pamphilus lent Dionysodorus 300 drachmas upon bottomry; this latter person acted contrary to the agreement and the commercial laws: "but, notwithstanding all this," says the orator, "he dared to come into court, with the intent of depriving me of the epobelia, and of carrying it off to his own house, in addition to the other money of which he has defrauded me[235]." The silence of the orator cannot be considered as a proof that the defendant, in case he was unsuccessful, did not pay the epobelia. Demosthenes says in the first speech against Aphobus[236], that if he was unsuccessful, he should have to pay the epobelia without being assessed (ἀτίμητος); if

p. 1103. 15. προσοφλὼν δὲ τὴν ἐπωβελίαν, and Æschin. ut sup. I mention this, that it might not be thought that by προσοφλισκάνειν a previous fine is implied. In the other passage (c. 39.) Pollux says, ἐπωβελία δ' ἦν τὸ ἕκτον μέρος τοῦ τιμήματος, ὃ ἄφειλεν ὁ ἀἰρεθείς.

[235] Demosth. in Dionysod. p. 1284. 2.

[236] P. 834. 25.

Aphobus lost, he should not have to pay the fine until the assessment of the judges had been made (τιμητός). This expression does not by any means exclude the possibility of Aphobus being compelled to pay the epobelia. Demosthenes had estimated his damages against Aphobus at 600 minas: "if I lose my cause," he says, "I shall be forced to pay 100 minas for epobelia, without being assessed;" for as he had himself estimated the damages, the estimate remained, and the epobelia was thus immediately determined, that being the only manner in which it could be fixed. If, on the other hand, Aphobus lost, he was empowered to put in a petition that the judges would moderate the damages, and compel the plaintiff to lower his demands: the fine was then assessed for the first time, and consequently the epobelia also, which followed the assessment of the damages. Demosthenes however had no reason for laying any stress upon the latter point, as the payment of the epobelia is naturally understood. In a third case, viz. the cross-suit in the speech against Euergus and Mnesibulus, no distinction can be made between the plaintiff and defendant, as both of them come forward in a double character. Now although the grammarians[237], whose joint testimony has only the authority of a single witness, state that the plaintiff paid the epobelia to the defendant, if he lost the suit, they do not actually deny that the defendant was also obliged to pay it: but as it was originally introduced for the prevention of vexatious accusations, they only mention the plaintiff, and state that in case he lost, he was forced to pay the epobelia to the defendant, as compensation for the risk which he had occasioned. It should also be observed, that the unsuccessful party was only

[237] Harpocrat. Etymol. Suid. Schol. Platon. Lex. Seg.

compelled to pay the epobelia in case he did not obtain the fifth part of the votes[238], and therefore his guilt might be considered as sufficiently manifest.

Our next question is, whether could the epobelia be connected with other justice-fees and fines? It had not the nature of a Sacramentum, nor was it deposited before the verdict, but was paid immediately after the loss of the cause, as is evident from the speech of Demosthenes against Euergus and Mnesibulus[239]; from the law-suit against Aphobus; and even from Isocrates against Callimachus: consequently some Sacramentum must necessarily have been paid for the introduction of the suit; and accordingly we know for certain that in the first of the three cases above-quoted the unsuccessful party paid the prytaneia and the epobelia, and that prytaneia were also paid in the last case[240]. Again, the loss of a fine (τίμημα) was sometimes connected with the payment of the epobelia: this loss however could necessarily be suffered only by the defendant, and by him in every case in which he was unsuccessful; if he did not obtain the fifth part of the votes, the payment of the epobelia was appended to the fine, according to the amount of a sixth part of the money which he was condemned to pay: the plaintiff, on the other hand, was not subject to any fine, but only paid the epobelia upon the sum which he had assessed against the defendant, in case he did not obtain the fifth part of the votes; unless by the institution of a cross-suit he had taken the double character of plaintiff and defendant. All these particulars might have been assumed *a priori*,

[238] Isocrat. in Callimach. 5. Poll. VIII. 48.

[239] Comp. chap. 9.

[240] Vid. ibid.

even apart from the authority of law-suits now extant; it is manifest therefore that the statement of Hesychius, made upon the authority of Didymus, that the epobelia was a fine which followed the assessment of the lost cause[241], merely refers to the determination of the epobelia according to the assessment of the suit; for this payment in reference to the plaintiff was regulated by the assessment which he made against the defendant, and in reference to the defendant by the assessment appointed by the court: on the other hand, we should misconceive the meaning of the grammarian, if we supposed that the epobelia was so far a consequence of the assessment or fine, that it was only paid in cases in which the fine itself or the timema was paid. For in all the cases mentioned above, in which the plaintiffs speak of their being exposed to the risk of losing the epobelia, there is no trace of any apprehension of a fine. Lastly, a separate circumstance occurred in the Phasis, as being a public suit. In this form of proceeding it must be inferred, from the circumstances of the case, that the defendant, if he lost the cause, paid the fine, and also the epobelia, if he did not obtain the fifth part of the votes: the plaintiff indeed had no reason to apprehend the first payment, but if he was unsuccessful in his suit, he was in the same case compelled to pay the epobelia; and if he did not obtain the fifth part of the votes, i. e. in the very case in which he

[241] Ἀκόλουθον τῷ τῆς καταδίκης τιμήματι ὄφλημα: an inaccurate expression which cannot be applied to the plaintiff, unless, with all probability against us, we prefer writing δίκης with Salmasius M. U. p. 14. (who besides this has rightly corrected the passage as I have given it), and Palmer upon Hesychius. I pass over the mass of confusion which is contained in the notes of the other commentators upon this passage of Hesychius.

was subject to the epobelia, he was forced to pay to the State the usual fine of 1000 drachmas[242]; the former regulation arising from the nature of the money-suit (χρηματικὴ δίκη), the latter from its being a public cause. Are we however to suppose that both these payments were required in every Phasis, according to the hypothesis which we have just made? This point cannot be determined without taking a more accurate view of the nature of the Phasis. The Phasis then was sometimes a purely public suit, as for example in the case of plunder of monies, or unsold mines belonging to the State, actions by which no private individual was injured; at other times, it was a suit partly public and partly private, for instance, if an action was instituted for the embezzlement of orphans' property: it could not in any case be solely a private suit, for it would thus have lost the distinctive character of the Phasis, and have become a mere money-suit for the compensation of the injury suffered. Now when the Phasis was a purely public suit, its only object was a fine to be paid to the State; and in this case neither the plaintiff nor the defendant could ever have paid the epobelia, since this payment was only required in cases which took the form of a private money-suit, as its origin alone shews, the intent of it being to repress frivolous accusations, or on the part of the defendant to prevent him from vexatiously withholding the property of another person. Hence in the purely public Phasis, the only penalty was doubtless that of the thousand drachmas, which fine is in the speech against Theocrines quoted from a law, in reference to this point, without any mention of the epobelia in a Phasis, as the penalty of the unsuccessful plaintiff, if he did not

[242] Orat. in Theocrin. p. 1323. 19.

obtain the fifth part of the votes; whether the plaintiff had made the assessment for a fine or some other punishment. If however the Phasis was of a mixed nature, the object of the accuser was to obtain a fine for the compensation of the injured individual, and a fine to the State as a penalty for the injury done to it: in this case probably the epobelia applied both to the plaintiff and defendant in reference to the first view of the suit, and the penalty of 1000 drachmas on the part of the plaintiff, in reference to the public nature of the action. Lastly, if the injured person brought on a case, which would have justified a Phasis, merely as a private suit, the epobelia alone applied. From this then it may be also determined to whom the epobelia was paid. The grammarians[243] say that the defendant received it from the plaintiff, if he (the defendant) gained the cause; from which it is evident, that if the plaintiff was successful, he received it from the defendant; supposing always that both parties were bound to pay it, as we have assumed. And that in private suits the epobelia was received by the successful party and not by the State, is completely proved by the orations which are still extant[244]. But, it will be asked, to whom did the epobelia in the case of the Phasis belong? If the Phasis was a purely public action, the epobelia did not apply; where it did exist, it was merely annexed in so far that the Phasis contained, as it were, an action for compensation claimed by a private individual, in order to restrain vexatious

[243] Etymol. Suid. Schol. Plat. Lex. Seg. ἐλάμβανε δὲ τὴν ἐπωβελίαν ὁ φεύγων παρὰ τοῦ διώκοντος, εἰ τὴν δίκην ἀπέφευγεν.

[244] Orat. in Euerg. et Mnesib. p. 1158. Demosth. in Dionysod. p. 1284. 2.

suits, or the withholding of property belonging to the plaintiff. If then the plaintiff was unsuccessful, the epobelia was paid to the defendant, in the same manner as in a private money-suit: if however the plaintiff was successful, either the party whose rights had been violated by the defendant, and who was represented by the public accuser, received the epobelia in the same manner that the injured party received the fine (for the circumstance of the plaintiff being a third person might appear quite accidental in reference to the money-suit contained in the Phasis); or it was paid to the plaintiff as compensation for the danger to which he himself had been exposed. The State therefore could not in any case have had any share in the epobelia.

(11.) The public income arising from judicial cases was increased by the Damages or Fines for illegal acts, as far as they were estimated in money and paid to the State. All fines were called assessments (τιμήματα), a term which comprehended damages and all punishments estimated in money, because they were determined by the valuing or τίμησις, and by the abuse of the word it came to signify the punishment itself. In treating of this point I shall chiefly follow the guidance of Heraldus, who has entered into a comprehensive examination of the whole subject, but agreeably to my object I shall limit my enquiries to what is either requisite for the comprehension of the whole question, or is immediately connected with the public revenue; for which reason I shall set aside all assessments which were not made in money, and in great measure also the question of damages, as alien to my subject. All punishments (fines included) were either defined by law as affecting both public and private suits, or were with respect to some public suits left to the discretion of the

judges, which was however limited in particular cases; certain punishments being defined, from which they were to select that which appeared to them best adapted to the case[245]. An action in which the punishment was a fine or other penalty affixed by law, was called *an unassessed suit*, from the laws having defined no certain penalty (ἀγὼν ἀτίμητος); if it was necessary to assess it for the occasion, it was called *an assessed suit* (τιμητός)[246]. In all private causes, the fines were with a single exception fixed by law[247], and if not absolutely, they were fixed proportionably to the value in litigation. Thus in the action for injury (δίκη βλάβης) in many cases a scale fixed according to proportions was the only one which could be adopted, as the amount was to be determined by the injury done, which required to be accurately known in order to admit of an assessment. In this case it was ruled by the law that if the injury had been done unintentionally the single, and if intentionally the double, assessment should be restored[248]. The law, on the other hand, fixed all penalties absolutely which had not the character of compensation, as, for example, in a case of libellous words (κακηγορία), at 500 drachmas[249], and in the action for non-appearance of a witness (δίκη λειπομαρτυρίου) at 1000 drachmas[250]. The only case in which the fine

[245] Herald. Anim. in Salmas. Obs. ad. I. A. et R. III. 1, 2.

[246] Herald. III. 2. Matthiä Miscell. Philog. vol. I. p. 276, 277.

[247] Ulpian. ad Demosth. in Mid. p. 325.

[248] Demosth. in Mid. p. 528.

[249] Isocrat. in Lochit. 4. Lysias in Theomnest. p. 354. See Matthiä ut sup. Hudtwalcker von den Diäteten p. 149 sqq.

[250] Poll. VIII. 37. Cf. Harpocrat. Phot. et Suid. in v. κλητῆρες, Lex. Seg. p. 272, 10.

was undetermined was the private action for personal injury (δίκη αἰκίας), in which the procedure upon the whole resembled that in public causes, and it was thus an assessed lawsuit[251], in order that the court and the plaintiff might be able to estimate the fine according to the degree of injury received: it could however be only rated in money[252]. But in all private suits, the plaintiff received the assessment, so that we have no farther concern with this species of cases. In public suits, on the contrary, the State received the fine of the defendant, unless the money-cases of private individuals were implicated in them, e. g. in the Phasis concerning cases of misconduct of guardians or violation of commercial law, in which the assessment accrued to the injured party, if the plaintiff succeeded; in all other public causes however, the penalties of infamy, death, &c. were appointed in place of fines. Now these public causes were either assessed or unassessed: in the first case, the plaintiff generally assessed the injury in his pleadings (τιμᾷ, προτιμᾷ), the defendant made a counter-assessment (ἀντιτιμᾷ, ὑποτιμᾷ); the court then decided upon the assessment (τιμᾷ, ἐπικρίνει), agreeing with one or the other. At the same time the plaintiff might give up his own higher assessment and accede to that of the defendant; and in like manner the judges might depart from their own assessment and take that of the defendant, if the plaintiff willingly agreed to it. This method of proceeding (συγχωρῆσαι)[253] was much used in

[251] Harpocrat. in v. αἰκίας, and the authorities cited by Matthiä, p. 272, 273.

[252] Lysias ap. Etymol. et Suid. in v. ὕβρις.

[253] Herald. III. 1. 10. Instead of τιμᾶν, ὑποτιμᾶν, &c. τιμᾶσθαι, ὑποτιμᾶσθαι, are also used without any alteration in the meaning.

actions in which there was no punishment distinctly fixed for the defendant, but only for the plaintiff, in case of his being unsuccessful; thence in the writing of accusation it was always necessary to fix some assessment: there were cases in actions of this kind, in which the law only left the plaintiff the choice between certain fixed punishments; thus e. g. in the action for bribery (γραφὴ δωροδοκίας) it was necessary either to fix as a punishment death or the tenth part of the sum received[254]. In a Phasis an assessment was necessary by reason of the damages to be paid, and we also know from distinct authority that such was the case[255]; in other public causes, however, there was no assessment, the penalty having been already appointed by law, which was the case in an information (ἔνδειξις). Lastly, the additional assessment (προστίμημα), which was added as an enhancement of the punishment, must be separated from the simple assessment. This was a fine, which the court had full power to impose in certain cases in which it was permitted by laws or decrees of the people, or which regularly followed under particular circumstances, as the epobelia. The additional assessment was in some cases fixed by law; thus in instances of theft, which were not capital crimes, the additional punishment was fixed at five days and nights' imprisonment; it rested however with the judgment of the court whether they would add or omit it[256].

[254] Herald. III. 3. 1.

[255] Poll. VIII. 47.

[256] Herald. III. 2. 9—14. The chief passage in the law of Solon is given by Demosth. in Timocrat. p. 733. (comp. the explanation, p. 746. 12.); from which μὴ should be struck out in Lysias in Theomnest. p. 357. 9. and not changed into μὲν with Heraldus and Taylor. There are indeed in this passage other

To what degree private suits admitted of an assessment has been already explained, i.e. only in damages, and likewise in the private suit for personal injury; of the former kind are the action for injury (βλάβης) and the action against guardians, when brought on as a private suit (δίκη ἐπιτροπῆς or ἐπιτροπείας). In these the plaintiff made an assessment in his pleadings, which however referred solely to his own injury, without there being any counter-assessment on the part of the defendant. The latter was however at liberty to put in a petition, and the judges had the power of diminishing the assessment[257]. Heraldus[258] has justly considered as a compensation of this kind the assessment of one talent, which occurs in the speech of Demosthenes against Stephanus in the private action for false testimony (δίκη ψευδομαρτυρίου). But in all causes for damages the assessment was not left to the litigant, as in several cases of this description a certain fine was already determined by law[259]. With regard to the other case, i. e. for personal injury, it is of so remarkable a character, and we have been already so often compelled to mention it, that it cannot be properly neglected in this place. In this case two kinds of action might be instituted, as in the Roman law, differing however not in respect to the object, but only in the form and the consequences, viz. the public (δίκη ὕβρεως) and the private suit (δίκη αἰκίας); because by an injury done to any person, either the State might be considered as wronged (it being thought that

difficulties, which I now intentionally pass by, as they could only be removed by a detailed examination.

[257] Herald. III. 4.

[258] III. 1. 14. The passage of Demosthenes is p. 1115. 25.

[259] Herald. III. 5.

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the State and the public freedom were injured by any act of violence, even if a slave was wronged), or only the individual, according to the views and inclination of the plaintiff.[260] If the plaintiff brought it on as a private

[260] It is however remarkable that the γραφὴ ὕβρεως is sometimes represented to be a private suit, because, like so many other public actions, it only referred indirectly to an injury done to the State, and immediately to the injury of an individual. In this sense Demosthenes or rather Meidias (adv. Mid. p. 522. extr.) may call the δίκη ὕβρεως an ἰδία δίκη, in opposition to the προβολὴ before the people, which must be considered as an action for a direct injury done to the State, for example, by the disturbance of a festival, or an injury done to sacred persons or property, and to public offices (cf. p. 424, 425.); the προβολὴ being the method of proceeding against such as had shewn themselves disaffected to the State, or had cheated the public, and therefore it might be instituted against sycophants, or against persons who had injured the silver-mines still belonging to the State, or for embezzlement of the public money (See Taylor ad Demosth. in Mid. p. 562 sqq. Reisk. Append. Crit. vol. I. Matthiä Miscell. Philog. vol. I. p. 238.). The meaning of the orator is most evident when he says (p. 524. 21.) that whoever injures a private individual in deeds or in words, may be prosecuted by the γραφὴ ὕβρεως καὶ δίκη κακηγορίας, and that if the same is done to a Thesmothetes, the guilty party will be ἄτιμος for the single offence. In this passage too the γραφὴ ὕβρεως is considered as ἰδία, as the word ἰδίαν which has been added from the MSS. also refers to γραφήν. The orator therefore does not in this more than in other orations deny that the action for ὕβρις was a public action (γραφὴ), although he calls it ἰδία, cf. p. 523. 18. p. 524. 21. p. 528. extr. From this fact moreover, viz. that the γραφὴ ὕβρεως might relate to the injury done to a private individual, and in fact was usually so considered, it may be seen why Dionysius Halicarnassensis in the life of Dinarchus enumerates the speech of this orator against Proxenus (ἀπολογία ὕβρεως) among the private speeches. The γραφὴ ὕβρεως ἰδία occurs

cause, the defendant could only be condemned to pay a fine, which the plaintiff received, who in this case was necessarily the injured party; if however the cause was brought on as a public suit by the Thesmothetæ[260], which could also take place while the suit was yet pending, the State received the whole fine[261], although the punishment might be capital[262]. Consequently in the public procedure there was no private advantage for the plaintiff; whereas in addition to the loss of the suit he was also subject to the risk of forfeiting 1000 drachmas, if he had not a fifth part of the votes on his side, and therefore nothing but excessive hatred or disinterestedness could excite any man to institute a public action for compensation of injury. In both forms of action however, an assessment was made on the part of the plaintiff, the course of proceeding in the private action for compensation of injury being similar in several points to that in public suits: on the other hand, in the private action for the compensation of injury there appears to have been this deviation from the procedure in public cases, that the defendant was not permitted to make any counter-assessment, but the court followed either its own or the plaintiff's assessment[263].

(12.) In order to enable us to form some judgment as

in another sense in the law in Demosth. adv. Mid. p. 529, 23, concerning which it is sufficient to refer to Heraldus II. 10. 12.

[260] Matthiä vol. I. p. 247, 249.

[261] Besides Heraldus see more particularly Demosth. in Mid. p. 528, 27, Poll. VIII. 42.

[262] Lysias ap. Etymol. et Suid. in v. ὕβρεως. See Petit. VI. 5. 4.

[263] Herald. III. 3. 15—17.

to whether the State of Athens did or did not derive a large income from fines, it would be advisable to cite some examples of them: others will be omitted, as a complete enumeration would be equally tedious and unavailing. As it will be necessary to speak partly of fines appointed to be paid into the public coffers, and partly into those of temples, we may previously remark, that in the laws of Solon, the precious metals being at that time high in price, fines were fixed at a very low rate[265]; e. g. whoever defrauded another person in public or ceremonial affairs, paid three drachmas to the injured party, and two to the State, whereas in later times the penalty for libellous words was 500 drachmas; in like manner the fines in the twelve tables were, as is well known, very inconsiderable. To these ancient times must be referred the law which ordered that any person who occupied any land within the Pelasgicum should pay three drachmas[266]. And judged according to the standard of later times, the fine of 100 drachmas, which the Archon had to pay according to Solon's regulation, if he did not lay a curse upon exportation, was of small amount[267]. Of later times however it may on the contrary be asserted, that the fines were paid at a very high rate. If the Prytanes did not hold certain assemblies according to rule, or the Proedri did not propose the appointed business, each Prytaneus had to pay 1000 and each Proedrus 40 drachmas to Minerva[268]; and for conviction nothing more than an information (ἔνδειξις) was necessary. If the officers appointed to superintend the

[265] Plutarch. Solon. 23.
[266] Poll. VIII. 101.
[267] Plutarch. Solon. 24.
[268] Petit. II. 1. 1.

weights and measures performed their duties negligently, they paid, according to a recent decree, a penalty of 1000 drachmas to Ceres and Proserpine[269]. Whoever declared falsely that a citizen's property belonged to the State, paid a forfeit of 1000 drachmas for his act of sycophancy[270]. If the Demarch did not perform his duty with regard to the interment of a dead body found in the borough, he forfeited 1000 drachmas to the State[271]. If an orator conducted himself indecorously in the senate or the public assembly, he could be fined 50 drachmas for each offence, which might be raised to a higher sum at the pleasure of the people[272]. This fine was collected by the Practores for the public. A citizen who cohabited with an alien, paid a penalty, in case he was convicted, of 1000 drachmas[273]; a regulation which could not always have been enforced. Whoever dug up olive-trees, beyond the number allowed by law, forfeited to the State 100 drachmas for each tree, of which a tenth part went to Minerva[274]. A woman conducting herself indecorously in the streets,

[269] Inscript. Boeckh. vol. I. p. 142. n. 104. Large fines, as e. g. of a thousand drachmas were paid to Juno (Demosth. in Macart. p. 1068. 10.), as well as to the Eponymi of the tribes. Thus Theocrines was condemned to pay 700 drachmas to the Eponymus for incorrect accounts. Orat. in Theocrin. p. 1326. 6.

[270] Suidas in v. ἀμφιοχεία, Orat. in Nicostrat. ap. Demosth. p. 1246. 9. This penalty was imposed in a δίκη ἀπογραφῆς, as in the case of non-success in other public actions (p. 407.) Cf. Harpocrat. in v. ἀπογραφή, where a doubt is thrown out against the genuineness of the oration just mentioned.

[271] Demosth. in Macart. p. 1069. 22.

[272] Æschin. in Timarch. p. 59 sq.

[273] Demosth. in Neær. p. 1350. 23. Petit (Leg. Att. VI. 1. 6.) has misunderstood this law in a most ludicrous manner.

[274] Demosth. in Macart. p. 1074. 19.

paid a fine of 1000 drachmas[275]. If a woman went to Eleusis in a carriage, she subjected herself, according to the law of Lycurgus, to a fine of a talent[276]. Whoever brought a foreign dancer upon the stage, forfeited, in the age of Phocion, 100 drachmas. This law however only applied to the theatre of Bacchus in the city. Demades brought forward a hundred, and thus forfeited 100,000 drachmas[277]. Other fines of 50 and 100 drachmas, with regard to foreigners in the Chorus, need not be here mentioned[278]. In the case of embezzlement of public money, the penalty was fixed at double, and in the case of sacred money at ten times the amount[279]. If any person was accused of not having paid a fine awarded by a judicial sentence, or of having retained any property adjudged to the plaintiff, and was convicted in the suit (δίκη ἐξούλης, *actio rei judicatæ*), the State required from the defendant the same sum that he was bound to pay to the plaintiff[280]; the same was also the case if the defendant was found guilty of taking forcible possession of any property[281].

[275] Ἀκοσμεῖ. See Harpocrat. in v. ὅτι χιλίας, and thence in other glossaries.

[276] Petit I. 1. 17.

[277] Plutarch. Phoc. 30. Cf. Petit Leg. Att. III. 4. 3.

[278] See Petit III. 4. 5.

[279] Demosth. in Timocrat. passim.

[280] Hudtwalcker von den Diäteten p. 173 sqq.

[281] Hudtwalcker ut sup. p. 135. note, wishes to deduce the latter fact from the words of Demosthenes against Midias (p. 528. 17.) ἂν δὲ μικροῦ πάνυ τιμήματος ἄξιόν τις λάβῃ, βίᾳ δὲ τοῦτο ἀφέληται, τὸ ἴσον τῷ δημοσίῳ προστιμᾶν οἱ νόμοι κελεύουσιν, ὅσονπερ ἂν τῷ ἰδιώτῃ. My reason for rejecting this inference may be seen from what follows: of the fact itself I entertain no doubt, for expulsion from possession was always considered as violence, even when a creditor was obstructed in taking possession of the

The State derived a similar profit from condemnations in

property pledged for the debt, or when this pledging and obstruction were only fictions, and consequently as severe a penalty was the consequence of expulsion from possession, as of an act of abstraction by violence. And that in every δίκη ἐξούλης (and not only in the *actio rei judicatæ*) the State received a fine equal in amount to that which was to be made good to the plaintiff, may be also seen from the words of Harpocration and Suidas in v. ἐξούλης· δίκη· οἱ δὲ ἁλόντες ἐξούλης καὶ τῷ ἁλόντι ἐδίδοσαν ἃ ἀφῃροῦντο αὐτοῦ καὶ τῷ δημοσίῳ κατεστήθησαν τὰ τιμηθέντα, which passage Hudtwalcker (p. 147.) appears not to have understood. It would have been more convenient if the *actio rei judicatæ*, the issue of which was that the same sum was paid to the State as was given in compensation to the plaintiff, had not been called by the same name, δίκη ἐξούλης, unless the original δίκη ἐξούλης, which was a real expulsion from possession, had not been followed by the same consequences. Nor do the words of Demosthenes against Meidias p. 528. 11. by any means prove that the *actio rei judicatæ* was alone followed by a fine to the public, but the orator only cites this one instance, as the other cases, on account of what is afterwards said concerning the δίκη βιαίων, did not appear to require a separate mention. It may be observed, that the reason why the δίκη ἐξούλης is considered in this place as οὐκ ἰδία is, that it is merely considered in reference to the fine required by the State; for that in all other respects it was ἰδία, Demosthenes must have been well aware. Οὐκέτ' ἐκοίνου is certainly the preferable reading: but the word οὐκέτι does not make any opposition between the δίκη ἐξούλης as an *actio rei judicatæ* and the δίκη ἐξούλης as an *actio unde vi*, as if the former could only be called οὐκ ἰδία, and not the latter; but Demosthenes calls the *actio rei judicatæ* οὐκέτ' ἰδίαν in opposition to the foregoing private suit from which it arose. I may also remark, that a particular application of the δίκη ἐξούλης was when it was brought by a mortgagee against the buyer of any property which had been given as security to the former. See the Dissertation on the Mines of Laurium.

actions for assault (δίκη βιαίων)[282]; and if any person took a slave from his master as if he had been a free citizen, he paid to the State the half of the whole fine[283]; in all three cases because the State was considered as injured.

It has been already incidentally remarked in several places, that in all public actions the plaintiff paid a fine to the State of 1000 drachmas, if he did not obtain a fifth

[282] Harpocrat. in v. βιαίων, on the authority of the passage in Demosthenes against Meidias given in the last note, which refers to the δίκη βιαίων, and not to the δίκη ἐξούλης, the former being a different kind of action for property taken by violence, but extending only to moveables, for example, slaves. An instance of it occurs in Lysias adv. Pancleon. p. 736. Cf. Plat. de Leg. XI. p. 914. E. It is indeed sufficiently singular that, according to Suidas, the δίκη ἐξούλης also applied to moveable property, particularly slaves; so that it is not easy to perceive the difference between the δίκη βιαίων and the δίκη ἐξούλης. Perhaps it was that the δίκη βιαίων might be instituted by the possessor against the person who had forcibly abstracted from him some article of moveable property, and that the δίκη ἐξούλης might be brought on by the person, to whom the moveable property had been adjudged by a judicial verdict, against the possessor who refused to allow him to take possession; and also by the mortgagee, who had the right of seizing the moveable property for non-payment, against the debtor who did not transfer the mortgaged property to him.

[283] Concerning this case, in which the offender could be prosecuted by a δίκη ἐξαιρέσεως, see Orat. in Theocrin. p. 1327 sq. Compare the argument and Petit II. 6. 4. According to this law the State received τὸ ἥμισυ τοῦ τιμήματος, by which is meant the half of the whole fine, not of the damages accruing to the plaintiff; i. e. the State received the same sum as the injured person. This, as it appears to me, is evident from a comparison of the δίκη ἐξούλης and the δίκη βιαίων: Plato (*ubi sup.*) to a certain degree includes the δίκη ἐξαιρέσεως under the δίκη βιαίων, and then supposes a double reparation of the injury.

part of the suffrages (τὸ πέμπτον μέρος, τῶν ψήφων μὴ μεταλαβὼν ὄφλε χιλίας); which penalty could also be enforced, if he dropped a cause already commenced: this last law was not however always applied in practice, as is proved by the example of Demosthenes, when he abandoned the action against Meidias[284]. The only exemption from this fine was in the case of an Eisangelia before the Archon[285]; in all other public causes, by whatever names they were

[284] See Taylor's Introduction to the Oration against Meidias. The latter point, viz. the penalty for dropping the action, or for compounding in public suits, is treated of particularly by Hudtwalcker *von den Diäteten* p. 159 sqq. with so much accuracy, that I have nothing farther to add. Only the following words, which occur in p. 168. require some limitation: "It was also allowed to compound even in court, and this was often effected in criminal cases by the assistance of the judges themselves." For the two instances quoted by Matthiä vol. I. p. 269. of a composition made in court in Isæus de Dicæog. Hered. p. 98. and Isocrat. in Callimach. 16. are only in private cases, the former in a δίκη ψευδομαρτυρίου, the latter in an action for more than 10,000 drachmas, which the plaintiff claimed for himself, and not for the State. In the former case indeed the penalty of Atimia was added, by which however the law-suit does not cease to be a private case, as I will shew in another place: in the latter the plaintiff is also apprehensive of the Atimia (Isocrat. 15.), but evidently only on account of the consequences ensuing upon the loss of the suit; since, if he had not a fifth part of the votes, he would be compelled to pay the epobelia, and not being able to pay this from his poverty, would be prosecuted by the successful party with a δίκη ἐξούλης, and if condemned in this suit, would become a public debtor. This is the very reason why Demosthenes is apprehensive of Atimia, with the loss of the epobelia, in the private cause against Aphobus, p. 834. 29. p. 835. 11.

[285] See the passages quoted above.

distinguished, it was exacted[286]. Even in the ancient authors we find frequent examples and confirmations of this assertion. Demosthenes expressly proves it with regard to the action for personal injury (δίκη or γραφὴ ὕβρεως); the same is evident from other writers with regard to the action for impiety (γραφὴ ἀσεβείας)[287], for incontinency (γραφὴ ἑταιρήσεως)[288], and for illegal proceedings (γραφὴ παρανόμων)[289]; and Demosthenes even refers it to all actions, ἀπαγωγαὶ, &c.[290] With reference to the ἀπαγωγὴ, which is another kind of public cause, this liability is several times attributed to it by the ancients[291], as also to the Eisangelia[292]; it may equally be proved to have applied in the case of the Phasis[293]; so that a distinct testimony is not necessary for the other kinds of public actions. On the other hand, the idea is erroneous, as Heraldus has already shewn, that the party condemned by default (*in contumaciam*) was obliged to pay 1000 drachmas[294]. The fine however which was appointed in

[286] Poll. VIII. 41. Theophrast. ap. Poll. VIII. 53. and in reference to dropping the cause see Orat. in Theocrin. p. 1323. 14 sqq. Demosth. in Mid. p. 529. 23.

[287] Demosth. in Timocrat. p. 702. 5. Plat. Apol. 5.

[288] Demosth. in Androt. p. 599. extr.

[289] Demosth. in Timocrat. p. 701. 1. must be so understood. Comp. also the Lives of the Ten Orators, p. 248. ed. Tübing.

[290] In Androt. p. 601. 20.

[291] Demosth. in Aristocrat. p. 647. 7. Andocid. in Alcib. p. 120. Poll. VIII. 49. Suidas in v. ἀμφισφητία. Cf. Lex. Seg. (δικ. ὀνόμ.) p. 188. 19. in reference to theft.

[292] Harpocrat. in v. εἰσαγγελία, Theophrast. ubi sup.

[293] Orat. in Theocrin. p. 1323. 19.

[294] See Hudtwalcker von den Diäteten p. 98 sq. Matthiä vol. I. p. 266. is mistaken. To be condemned *in contumaciam* is ἐρήμην ὀφλεῖν.

public causes underwent, at least at certain periods, some alteration. In an unsuccessful action for illegal practices mentioned in Demosthenes, we find that the plaintiff was only sentenced to a fine of 500 drachmas[295]. In other cases an additional fine (προστίμημα) appears to have been imposed, as in the case of Æschines, who, in consequence of such fine imposed after the loss of his action against Ctesiphon, quitted the city of Athens; although nothing certain can be said upon this point, as the ancients themselves were in doubt concerning it[296]: also for the most part the plaintiff was subjected to Atimia, if he had not the fifth part of the votes with him, and by consequence was debarred from the liberty of instituting certain public suits (γραφὴ, ἀπαγωγὴ, ἐφήγησις, ἔνδειξις), nor was he able in an action for impiety to take refuge in any temple[297], excepting in the case of an

[295] Demosth. de Corona p. 261. 20. where τὰς πεντακοσίας δραχμὰς refers to something customary.

[296] See Lives of the Ten Orators ut sup. and Matthiä p. 272.

[297] Concerning the Atimia see Demosth. in Aristog. I. p. 803. 13. Andocid. de Myst. p. 17. and 36. whence we learn that this Atimia was only partial, κατὰ πρόσταξιν, that is, according to a certain prohibition that one person might not bring on a γραφὴ, another an ἔνδειξις, &c. See also Schol. Demosth. ap. Reisk. vol. II. p. 132, 133. According to Genethlius, as quoted by this grammarian, a public accuser could only be sentenced to Atimia, if he had not obtained the fifth part of the votes in three law-suits; i. e. because Androtion had not been made ἄτιμος, for having once lost an action of this kind: this assertion is however untenable, nor can it be proved that Androtion, after losing the γραφὴ ἀσεβείας, was not ἄτιμος κατὰ πρόσταξιν, so that he could not any more γράφεσθαι in the more limited sense; and even supposing that this was not then the consequence of losing the cause, it must be borne in mind that at Athens the letter of the law

Eisangelia, probably according to some enactment which was subsequently added[298]. Lastly, the court appears in certain cases to have been authorized to condemn the plaintiff to the same fine at which he had assessed the defendant, as Aristogeiton, having failed in an action for illegal practices against the priestess of Diana of Brauron, was forced to pay the fine of five talents, at which he had assessed the defendant[299]. The punishment of death, which, according to the statement of Andocides, was the consequence of the false information (μήνυσις) of a muti-

was not always attended to. The law might therefore have prescribed Atimia, and yet its ordinances have been disobeyed. The same was the case with the law which imposed a punishment for giving up public actions, of which I have just spoken. It is moreover evident, that whoever failed to pay the fine of 1000 drachmas was also subject to the separate kind of Atimia imposed upon public debtors. Whether Atimia was the immediate consequence of dropping a public action is not manifest. From Demosthenes adv. Mid. p. 548. 7. and there Ulpian, it may be concluded that Atimia had been appointed by law (only however the partial Atimia in reference to bringing on actions of this kind), as Heraldus Animadv. VII. 16. 20. assumes, without any interference on the part of the State; for the plaintiff, says Demosthenes, subjects himself to the Atimia by dropping the suit, without mentioning that the State sentenced him to it. But we may adopt the supposition advanced by Hudtwalcker in p. 162. that the seceding plaintiff was condemned to a fine of 1000 drachmas, and made himself ἄτιμος by failing to pay it, inasmuch as he had then become a public debtor, and thus actually ἄτιμος, although perhaps he was not considered as such, as gradually they ceased to exact the payment of the fines, and to treat the defaulters as Ærarii.

[298] Poll. VIII. 53. from Theophrastus.

[299] Dinarch. in Aristog. p. 82.

lator of the Mercuries, appears to have a regulation appointed only for that individual case[300].

The fines (τιμήματα) which were fixed against the plaintiff were for the most part much higher. In cases indeed in which the senate decided, as in certain kinds of Eisangelia, the defendant escaped easily, as the senate was not able to inflict a fine of more than 500 drachmas; if however a fine of this amount appeared too small, they referred the case to a court of justice. An instance of a very inconsiderable fine is afforded in the cause of Theophemus, who by the concession of his accuser was only condemned to an additional fine (προστίμημα) of 25 drachmas, besides the restitution of what the State claimed from him as public property[301]. Phrynichus was condemned in a public action to a fine of 1000 drachmas for the representation of his play called the Taking of Miletus[302]. In the action for impiety (γραφὴ ἀσεβείας) brought against Socrates, his accusers made it a capital crime; he himself however fixed the penalty at one mina, and afterwards, upon the injudicious recommendation of his friends, at 30 minas, or according to others at only 25 drachmas[303]. The common fine in the case of the wealthy appears to have been 10,000 drachmas[304]: five talents are mentioned in the case of Anaxagoras[305], although the accounts of the misfortunes of this philosopher at Athens do not all agree with this fact. A fine of 10,000 drachmas also occurs in

[300] See Matth. p. 270, 271. This information must be distinguished from the γραφὴ ἀσεβείας.

[301] Orat. in Euerg. et Mnesib. p. 1152. cf. Poll. VIII. 51.

[302] Herod. VI. 21. and there the Commentators.

[303] Plat. Apol. 28. and there Fischer.

[304] Inscript. Boeckh. vol. I. p. 252. n. 158.

[305] Diog. Laert. II. 12.

the public suit for personal injury, and also as a penalty for sycophancy [306]. In the action for false citation (γραφὴ ψευδοκλητείας) death is mentioned as the punishment, but mitigated upon the representation of the plaintiff to a fine of a talent [307]. Fines of a very large amount were imposed in the actions for illegal practices (γραφὴ παρανόμων), as much as five, ten, or fifteen talents, although they were sometimes lowered, for example a fine of fifteen talents was diminished to one. We even find that Æschines fixed a fine of 50 talents against Ctesiphon, and Lycinus a fine of 100 against Philocrates [308]; both these persons were acquitted, which however must not by any means be considered as an usual occurrence. It was no doubt by an action of this kind that Demades was condemned to a fine of 10, or, according to Ælian, of 100 talents for having proposed to pay divine honours to Alexander [309]. The former was probably the sum that was actually adjudged, the latter the original proposal of the accuser. These fines were necessarily made a productive branch of the public revenue by the injustice of the demagogues, by party hatred, and the litigious disposition which prevailed. The popular leaders, seldom guided by purely moral principles, raised themselves by flattering the people, and by the lavish administration and distribution of the public money. The majority of them however so little forgot their own gain, when they had

[306] Aristoph. Av. 1046, 1052. Lysias in Agorat. p. 488.

[307] Orat. in Nicostrat. p. 1252. 15.

[308] Diog. Laert. in vit. Theophrast. Dinarch. in Aristog. p. 82, 83. Orat. in Theocrin. p. 1323. 3. (cf. p. 1331. 19. p. 1332. 5, 7, 22.) and p. 1336. Demosth. in Mid. p. 573. 17. Orat. in Neær. p. 1347. 10. (p. 1348. 1.) Demosth. de Corona, Æsch. de Fals. Leg. p. 198, 199.

[309] Athen. VI. p. 251. B. Ælian. Hist. Var. V. 12.

reached their high station, that they omitted no means of enriching themselves, and the people on the other hand rejoiced in condemning and overthrowing them. What great demagogue was there who did not meet with an unhappy destiny? Was not this the fate of Miltiades, Themistocles, Aristides, Timotheus, and Demosthenes? And fortunate was he who escaped with the payment of a heavy fine, while others suffered the penalty of death, or were condemned to forfeiture of property, or to exile. Thrasybulus, son of the restorer of the freedom of Athens (who himself, if he had not died, would have been capitally condemned), paid a fine of 10 talents[310], probably by an action for malversation in an embassy. (γραφὴ παραπρεσβείας). Callias the Torchbearer concluded a most advantageous and honourable peace with the king of Persia, according to which no army was to approach the coast within a day's march of cavalry, and no armed Persian vessel was to appear in the Grecian seas; yet although he obtained much celebrity by these negociations, as Plutarch relates in the life of Cimon, he was condemned to a fine of 50 talents, when he rendered an account of his official conduct, for having taken bribes[311]. And how large was the number of those who were condemned to severe punishments for treason or bribery. Cleon was compelled to pay five talents, probably not, as the Scholiast of Aristophanes[312] supposes, for having injured the Knights, but

[310] Demosth. de Fals. Leg. p. 431. 14.

[311] Demosth. ut sup. p. 428. Concerning the embassy (Olymp. 82. 4.) cf. Diod. XII. 4. Herod. VII. 151.

[312] Acharn. 5. where the statement of Theopompus should be particularly attended to. It appears that the knights were the accusers, and that Cleon by mitigation of the fine only paid the sum which he had embezzled. The proceeding was without

for having taken bribes from the allies, in order to procure a mitigation of their tributes; and to omit the fine of 50 minas, which Aristides is stated (probably without truth) to have paid for having received bribes[313], Timotheus was condemned upon the same grounds to a fine of 100 talents by an indictment for treason (γραφὴ προδοσίας), a sum greater than ever had been paid until that occasion: nine parts out of ten were however remitted to his son Conon, and the tenth he was forced to expend upon the repair of the walls for which Athens was indebted to his grandfather[314]. Demosthenes was sentenced to a fine of 50 talents by an action for bribery (γραφὴ δωροδοκίας), and also thrown into prison[315]; the latter punishment having doubtless been imposed in addition by the court (προστίμημα). According to the strict law he should have paid ten times the amount of the sum received; five times the amount is however the only fine mentioned, and even this he was unable to pay[316]: nor can we determine how this fine was calculated, as the statements of the sums received are so contradictory, that Dinarchus[317] speaks of 20 talents in gold, and refers to the Areopagus for authority, with whom Plutarch[318]

doubt the γραφὴ δωροδοκίας. See the second argument to the Knights.

[313] Plutarch. Aristid. 26.

[314] Dinarch. in Demosth. p. 11. Isocrat. de Antidos. p. 75. ed. Orell. Nepos Timoth. 3, 4. cf. Vit. Dec. Orat. p. 234, 235. ed. Tübing.

[315] Plutarch. Demosth. 26. That it was a γραφὴ δωροδοκίας is evident from the case itself, and from the Lives of the Ten Orators p. 264.

[316] Vit. Dec. Orat. ut sup.

[317] In Demosth. p. 40.

[318] Vit. Demosth. 25.

agrees, who relates that he received 20 talents in a royal golden goblet; whereas others speak of 30 talents, and even of so small a sum as 1000 darics[319]. Demosthenes remained in debt 30 talents of his fine, which upon his recal were remitted to him for the building of an altar[320]. Miltiades was accused of treason, and condemned to pay 50 talents, not for a compensation, as Nepos ignorantly asserts, but according to the usual form of assessing the offence. The fine was paid by his son[321]. Before this occasion Miltiades had also been sentenced to a fine of 30 talents[322]. Cimon himself narrowly escaped being condemned to death for a supposed intent to overthrow the existing government, which penalty was commuted for a fine of 50 talents[323]. The illustrious Pericles was vehemently accused, after the second invasion of Attica by the Lacedæmonians, the people being dissatisfied with his method of carrying on the war, and particularly with the surrender of their own country, by which many individuals suffered such severe losses, and the Athenians were not contented, as Thucydides says[324], until they had sentenced him to a fine. The highest sum stated was, according to Plutarch[325], 50 talents, the lowest 15; the former was probably the assessment of the accuser, the latter of the court.

[319] Vit. Dec. Orat. p. 264, 267.

[320] Vit. Dec. Orat. p. 264. and Photius Plutarch. Demosth. 27. who however also mentions 50 talents in this place.

[321] Herod. VI. 136. Plutarch. Cimon. 4. Nepos Cimon. I.

[322] Orat. in Aristogit. II. p. 802. 18.

[323] Demosth. in Aristocrat. p. 688. 25.

[324] II. 65.

[325] Pericl. 35. To the former belongs the author of the speech against Aristogeiton II. ut sup. Diodorus, with his usual exaggeration, mentions 80 talents, XII. 45.

Fines of a less amount did however occur in important cases, as e. g. a fine of only 10 talents in an indictment for treason [326].

(13.) Every person who failed to pay a fine owing to the State was reckoned among the Public Debtors (οἱ τῷ δημοσίῳ ὀφείλοντες), of whom some mention has been already made in connection with the account of the farmers of the public duties, but the main investigation properly belongs to this part of the book. The public debtors were of different kinds, either farmers of public property or their sureties, or purchasers, for example, of mines [327], or persons who had been sentenced to a public fine, or who had borrowed property from the State, and had not replaced it at the appointed time, as, for instance, ships' furniture belonging to the State from the public storehouse [328]; also such as had not paid rents or fines accruing to the funds of the temples [329], although it is not entirely clear whether the whole severity of the law against public debtors was at all times applicable to the latter class of defaulters. It is certain that those who were in arrear for the property-tax (εἰσφοραί) were treated less severely, nor do I find that they were classed with the public debtors; a regulation which is perfectly reasonable. Whoever had purchased or was in possession of any public property, was a personal debtor,

[326] Demosth. in Timocrat. p. 740. 15.

[327] Demosth. in Pantæn. p. 973. 6.

[328] Demosth. in Euerg. et Mnesib. p. 1145. 25.

[329] Thence the permission to take the property of a citizen for a fine of this kind. (See Inscription in the author's collection vol. I. p. 164.) But the payment of double the amount after the ninth prytaneia does not appear to have been required either in this or many other cases. To this belongs the case quoted in note 162.

and by parity of reasoning, whoever was in debt for a fine; these therefore might be subjected to Atimia and imprisonment, besides other penalties: the property-tax however was not a personal debt, but a debt arising from property, for which no one could be imprisoned, or treated in the manner of the public debtors; it therefore remained unpaid without any evil consequences for the person taxed, until the State, pressed by pecuniary difficulties, determined upon a final and complete collection, and then it could resort to the property of the debtor, if he refused to pay [330].

To ascertain at what time any person first became a public debtor requires a separate investigation. With regard to purchasers and farmers of public property, and their sureties, it is of course evident, that they became public debtors as soon as they exceeded the appointed term of payment. It is however more difficult to decide as to those who had to pay any kind whatever of fine, whether arising from action, the passing of official accounts, or a judicial verdict [331], at the same time every thing seems to shew that the party condemned became a public debtor immediately after his sentence, if he did not pay the fine upon the spot. With respect to the public action for personal injury (γραφὴ ὕβρεως), the ancient law enacted that if the defendant was condemned to a fine, he should pay it eleven days after judgment, and that if

[330] The truth of this statement is proved beyond a doubt by Demosth. in Androt. p. 608—610. Cf. Lys. in Philocrat. p. 832. The Poletæ also were entrusted with the duty of selling the property of those who remained in debt for their property-taxes. Photius in v. πωληταὶ, Suidas in v. πωλητής.

[331] The different kinds are enumerated by Andocides de Myst. p. 35.

he should not be able to pay immediately, he should be imprisoned until the payment[332]; it appears however that afterwards, if any person injured a free citizen, he could be detained in confinement until he had paid, according to the law in Demosthenes[333]. In this law it is supposed that properly the fine was to be paid immediately after every sentence, and that the party so sentenced should be instantly thrown into prison[334]: the additional provision that if he did not pay down the fine upon the spot, he should pay it eleven days after, merely fixes the extreme point, after which it became proper to proceed against him with greater severity. From the first until the eleventh day he was a public debtor, as being under obligation to pay; after the eleventh the payment was no longer received as before, but he was subject to the severe penalty of the regular payment of twice the sum, and if this was not immediately made, to confiscation of property. In the case of other debtors the extreme period was the ninth prytaneia, and they could be imprisoned until that period. For a person condemned in a public suit for personal injury, it was provided as an additional punishment that the eleventh day should be the extreme period of payment, and that the party condemned should be put in chains, or at least kept in confinement. As then this law is not opposed to the account already given, so it is completely confirmed by the express provision, that from the day that any person was sentenced to a fine or transgressed the law (ἀφ' ἧς ἂν ὄφλῃ ἢ παραβῇ τὸν νόμον ἢ τὸ ψήφισμα), he should become a public debtor, even if his name had

[332] Æsch. in Timarch. p. 42.

[333] In Mid. p. 529.

[334] Cf. Demosth. in Mid. p. 529. 27.

not been reported by the Practores [335]. This enactment contains two provisions, according to the difference of the case. In offences which were not proved, and which required an assessment, it was necessary that a sentence should be passed before the individual could become a public debtor, as e. g. in the common action (γραφή): if however the offence was evident, and the fine appointed by law, as is implied in a case of information (ἔνδειξις), the offender became a public debtor from the moment of the transgression, and the action an information against him as a public debtor [336]. It was not by the enrolment of the name that the party became a public debtor, but this latter form was only a consequence of his being one. The registration of the names was made for the public treasury upon tablets in the temple of Minerva on the Acropolis, the sums due being also noted [337]; which duty belonged to the Practores, whose office it was to exact the fines [338]: thence a person registered upon the Acropolis (ἐγγεγραμμένος ἐν Ἀκροπόλει) always means a public debtor [339]. Whoever owed any money to the temple of Minerva, to the other gods, or to the heroes of the tribes, was equally liable to an information (ἔνδειξις), if he was not registered [340]; the registration took place before the treasurers of the goddess, of the other gods, and before the king-Archon, with the

[335] Orat. in Theocrin. p. 1328. 10. p. 1337. 26 sqq.

[336] Orat. in Theocrin. p. 1337, 1338.

[337] Orat. in Aristog. I. p. 791. 11. Harpocration and Suidas in v. ψευδεγγραφή, Suidas in v. ψευδέγγραφος δίκη and ἀγραφίου δίκη, &c.

[338] See book II. 4.

[339] Orat. in Euerg. et Mnesibul. ut sup.

[340] Orat. in Theocrin. p. 1326. 2—6.

latter of which authorities, those persons were probably registered who owed any money to the heroes of the tribes[341]. The registration of the Thesmothetæ (ἐγγραφὴ θεσμοθετῶν), which occurs once, connected with a registration made by the Practores[342], is probably nothing else than the information which the Thesmothetæ, in their capacity of superintendants of the court, gave to the Practores, according to the regular course of business, with regard to the sentence which had been passed; this registration on the part of the court was the necessary condition for the other which was made by the Practores. Whoever paid his fine after registration, was erased either wholly or in part, according to the amount paid[343]. As however an information (ἔνδειξις) could be laid against such persons as were not registered, so were those alone who had been improperly erased subject to the action for non-registration (δίκη ἀγραφίου), which therefore could not be instituted against a person who had never been registered[344]. Whoever, on the other hand, falsely declared

[341] Cf. Andocid. de Myst. p. 36. extr.

[342] Orat. in Aristog. I. p. 778. 18.

[343] Orat. in Theocrin. p. 1338. 8. An example occurs in Inscript. 158. vol. I. p. 252. ed. Boeckh.

[344] The author of the speech against Theocrines p. 1337, 1338. 7—27. refers the γραφὴ ἀγραφίου to those who had been illegally released, in opposition to the ἔνδειξις against those who had never been registered: cf. Harpocrat. Suid. Etymol. in v. ἀγραφίου, Poll. VIII. 54. Zonaras in v. ἀγραφίου δίκη is imperfect. On the other hand, Hesychius (in v. ἀγραφίου δίκη) and Lex. Seg. p. 199. state that the γραφὴ ἀγραφίου was instituted against the debtors who were not registered. Hesychius is followed by Hemsterhuis (ad Polluc.), and by Wesseling (ad Petit. IV. 9. 19, 20.) who transcribes the note of the latter, accusing the author of the speech

that he had been registered, was subject to the action for false registration (δίκη ψευδεγγραφῆς), whether he owed nothing or less than the sum stated in the record; if he had paid, and yet was registered again, probably also if he

against Theocrines, notwithstanding his express reference to the law, of intentional perversion of justice. Hemsterhuis however brings forward but weak arguments, and Hesychius, whose collection shews upon the whole but little legal knowledge, together with the author of the Rhetorical Lexicon, or their authority, probably only inferred their statement from the name; nor could the orator have uttered so direct a falsehood, particularly since the apparent force of the word was against him, and he must have known that the law had assigned to it a more limited meaning. It is unquestionably true that an ἔνδειξις might be laid against public debtors, when they held an official situation (Liban. Argument. ad Demosth. in Androt. Suid. in v. ἐνδεικτύναι, Zonaras in v. ἔνδειξις); but manifestly it does not follow from this that it might not be brought against a debtor who had not been registered, without any reference to public offices? But because a person who was not registered might at any moment obtain a place in the public administration, it was natural to allow the ἔνδειξις to be brought against him in order that he might be registered, and thus be ἄτιμος and excluded from holding public offices. This was as it were an ἔνδειξις ἀγραφίου, in which the offence was evident, and the penalty although of small amount was fixed by law; if, on the other hand, any person was released after he had been registered, he was prosecuted by a γραφὴ ἀγραφίου, as in this case there were many points to investigate, the question was more intricate, and the offence so constituted, that it appeared to admit of a very various assessment. The difficulty is removed, when it is perceived that the stress is upon γραφὴ, and not upon ἀγραφίου. I have therefore followed the statements in the oration against Theocrines, both with regard to the ἔνδειξις and the γραφὴ ἀγραφίου, without paying any attention to the learned men mentioned above.

was not erased, the action for conspiracy (γραφὴ βουλεύσεως) applied [345]: in both cases if the accuser was successful, his name was erased, and the defendant became indebted to the State for an equal sum [346].

A punishment immediately connected with the condition of a public debtor is Infamy (ἀτιμία) or excommunication [347], an inquiry into the different degrees of which is not necessary for our purpose. Imprisonment, on the other hand, was by no means an immediate consequence of a public debt, except when the law expressly provided it, as e. g. against a plaintiff who was condemned in a public action for personal injury, of which I have just spoken, and in the Eisangelia, if the accused was sentenced to a fine, according to the law of Timocrates [348]. In cases however in which the law did not prescribe imprisonment, it was added by the increase of punishment (προστίμημα) if the law permitted it [349]. In this manner

[345] Suid. in vv. ψευδὴς ἐγγραφὴ and ψευδέγγραφος δίκη.

[346] Orat. in Aristogit. I. p. 792. 3. Lex. Seg. p. 317. I pass over the γραφὴ ψευδοκλητείας (ψευδοκλησίας) which Harpocration (and Lex. Seg. p. 317.) also refers to the public debtors. The cases which the grammarian alluded to were accidentally connected with public debts. For the same reason the inaccurate author of the Lexicon Segueranum, p. 194. 21. limits the γραφὴ ψευδοκλητείας to the false summons in the action εἰς ἐμφανῶν κατάστασιν, from Demosth. in Nicostrat. p. 1251. I will take an opportunity of discussing this subject more at length in another place.

[347] Andocid. de Myster. p. 35. Orat. in Theocrin. p. 1326. 20. in Neær. p. 1347. 10. Demosth. in Timocrat. p. 743. 19. in Androt. p. 603. ext. Orat. in Aristogit. I. p. 771. 6. cf. Petit. IV. 9. 12—14.

[348] Demosth. in Timocrat. p. 721.

[349] See chap. 8.

Demosthenes and Miltiades were cast into prison, where the latter died[350], and according to Nepos[351], his son Cimon shared the same fate, as having inherited the penalty of death, of which however Plutarch knew nothing: and Plato[352] in the case of Socrates speaks of imprisonment until the debt is paid, as a customary circumstance; although it is evident from other passages that it did not always take place, since no allusion is made to imprisonment in places where it must necessarily have been mentioned, if it had been generally inflicted[353]. During the continuance of the Atimia and imprisonment the public debtors, with the exception of those who received sentence in a public cause for personal injury, were permitted to pay at any time before the ninth prytaneia: if the payment was not made before this term the debt was doubled, and the next step was confiscation of the property, in order to raise from it the amount of the double debt[354], which procedure however Timocrates endeavoured to restrain by a law, as has been stated above at full length[355]. An instance of the fine being doubled is afforded by the speech against Theocrines[356]; the same circumstance is also mentioned to have taken place in the case of a purchaser

[350] Herod. VI. 136. Plutarch. Cim. 4. Nepos Miltiad. 7. Cim. I.

[351] Cim. I.

[352] Apol. p. 37. B.

[353] Andoc. de Myst. p. 35. Orat. in Neær. p. 1347. and in other places.

[354] Andoc. de Myst. Orat. in Neær. ut sup. Liban. Argum. ad Orat. I. in Aristogit. Harpocrat. in v. ἀδικίου.

[355] See chap. 8.

[356] P. 1322. 3.

of a mine, who had delayed the term of payment[357]. The severity of this law, the injurious effects of which are set forth in the speech against Neæra, were farther increased by the debt descending to the sons as heirs to the estate, although this provision may have been necessary in order to prevent concealment or secret transfer of the property: thus the Atimia, if the imprisonment was remitted, continued on to the children[358], until they paid what their father owed, as, among many others, the instance of Cimon may shew[359]. Also, if the father was not registered, and the exaction of the money owing had been omitted, the children were considered by law as debtors to the State[360]; and the debt even went by inheritance to the grandson[361]. No fine that had been formerly adjudged could be remitted[362], except upon one condition, which will be immediately explained: if the State was willing to grant this, it was necessary to have recourse to a form, by which the debt appeared to be paid, although in reality it had not; and of this nature is the building of the altar which was allowed to Demosthenes. Nor could any debtor who was under Atimia apply for a remittal of the debt and Atimia; if he petitioned in person, he was exposed to an information (ἔνδειξις); if another person petitioned for him,

[357] Demosth. in Pantæn. p. 973. 6. Cf. p. 968. 8. and the argument p. 964. 18.

[358] Orat. in Neær. p. 1347. 11. Demosth. in Androt. p. 603. extr. Cf. Petit IV. 9. 15.

[359] Nepos Cim. 1. Plutarch. Cim. 4. Cf. Demosth. in Bœot. de Nom. p. 998. 25.

[360] Orat. in Theocrin. p. 1327. 21 sqq.

[361] Ibid. p. 1326. 29. p. 1327. 4. Cf. Demosth. in Aphob. II. init.

[362] Petit IV. 9. 16.

his property was forfeited; if the Proedrus put it to the vote, he was himself placed under Atimia. It was first necessary that 6000 Athenians should give express permission for it by a decree which was passed by ballot or by secret votes in tablets, before it could be debated in the public assembly whether a public debtor should be remitted his debt, and be reinstated in his former situation [363].

(14.) Aristophanes mentions the property confiscated and publicly sold (δημιόπρατα) as a separate branch of the public revenue [364]; concerning which an account was presented to the people in the first assembly of every prytaneia [365]. The lists of such escheats were posted upon tablets in different places, as was the case at Eleusis, with the catalogues of the articles which accrued to the temple of Ceres and Proserpine, from such persons as had committed any offence against these deities [366]. The penalty of confiscation of property, however unjust towards the heirs, who are innocent of the offence; however melancholy its consequences to families [367]; and however evident its tendency to produce unjust accusations and decisions among the persons who would gain by the condemnation of the accused; was yet one of the commonest sources of revenue in ancient days, and all writers, in particular Lysias, afford examples of it. Besides the proceedings against the public

[363] Petit IV. 9. 22. This is the ἄδεια περὶ τῶν ὀφειλόντων ὥστε λέγειν ἐξεῖναι καὶ ἐπιψηφίζειν. Andocid. de Myst. p. 36.

[364] Aristoph. Vesp. 657. and the Scholiast; also Schol. Eq. 103.

[365] Poll. VIII. 95. Schol. Æschin. vol. III. p. 739.

[366] Poll. IX. 97.

[367] Orat. in Neær. p. 1347.

debtors and their sureties[368], which have been already mentioned, the law enacted in very many instances the confiscation of property, with infamy, banishment, slavery, or death; the three latter punishments always brought the loss of property with them: this was not however the case with banishment by ostracism (ὀστρακισμὸς), which differed essentially from simple exile (φυγὴ, ἀειφυγία). It is particularly mentioned that the property of those persons was confiscated who were condemned for wilful murder[369], who were banished by the Areopagus[370], or were guilty of sacrilege and treason[371]; or again, persons who endeavoured to establish a tyranny, or to dissolve the democracy. Thus the property of Pisistratus was sold several times to Callias: any person who killed a tyrant received the half of his property[372]: whoever married a foreigner to a citizen, under pretence that she was a citizen, subjected himself to Atimia, and his property was forfeited, of which the third part was received by the accuser: if a foreigner married a female citizen, his person and property were sold, and the third part of the proceeds was also received by the accuser[373]. In the age of Demosthenes, any foreign woman who married a citizen was sold as a slave, but probably only in case she pretended to be a citizen. Resident aliens were sold, together with their property, if they exercised the rights of citizen-

[368] Besides that which has been already remarked in speaking of the letting of duties, cf. Orat. in Nicostrat. p. 1255. 1.

[369] Demosth. in Mid. p. 528. in Aristocrat. p. 634. 23.

[370] Poll. VIII. 99.

[371] Petit VIII. 4. 4.

[372] Andoc. de Myst. p. 49 sqq. Petit III. 2. 15. Comp. also Xenoph. Hellen. I. 7. 10. Herod. VI. 121.

[373] Petit VI. 1. 5, 6.

ship, failed to pay the protection-money, or lived without a patron (προστάτης)[374]. These are particular cases selected out of a large number: for it was a favourite practice of the Athenians to multiply occasions for the confiscation of property, and they endeavoured above all to entrap the resident aliens, as Dicæarchus remarks of his times[375]. The demagogues also favoured these measures, for the purpose of increasing their private gains and the public revenue, and of providing donations of money to be distributed among the multitude, which was the policy of Cleon[376]. At Megara the penalty of banishment was often resorted to, for the sake of the consequent confiscation of property, and the most crafty and malicious calumnies were circulated against the wealthy, with a view to obtain their possessions[377]. The desire of gain destroyed all sense of equity: and injustice was attended by its natural consequences and penalties; for the multitude of exiles, restless in their places of banishment, and eager to return, created distraction and disturbances in their native country. It should be remarked, that, besides the confiscation of the whole property, there were other cases in which only a particular description of property accrued to the State; thus, for example, mines which were in the possession of private individuals, reverted to the State on the violation of the laws and non-performance of the obligations under which they were held[378]; commodities again

[374] Petit II. 5. 2 sqq.

[375] Geograph. Min. vol. II. p. 9. See Dodwell's Diss. p. 6.

[376] Aristoph. Eq. 103. and Scholia, in which οὐσιῶν should be written instead of θυσιῶν.

[377] Aristot. Polit. V. 5.

[378] Orat. in Phænipp. p. 1039. 20. A detailed account of these will be found in my Memoir upon the Silver-mines of Laurium.

were forfeited to the State, if the payment of the custom-duties was fraudulently avoided, and also if a false measure was used[379]. It is moreover probable that the property of persons who died without heirs belonged to the State. This accident may however have been equally rare with the analogous case of a person appointing the State his heir; as we read that Callias made over his property to the People, in case he should die childless[380].

Notwithstanding the frequency of confiscation of property, the State appears to have derived little essential benefit from it; as we see that the plunder of the Church-property has for the most part been of little advantage to modern States. Considerable sums were squandered in this manner, such as the property of Diphilus, which amounted to 160 talents; in many cases a part of the property was received by the accuser, and in most, as appears from the above-quoted examples, the third part. In certain cases the person who informed against public debtors received three parts of the confiscated possession[381]; this regulation appears however to have been confined to concealed property, which was discovered by the informer. A tithe of the property of persons condemned for treason, or for having endeavoured to subvert the democracy[382], and probably also of all or of most other escheats, belonged of right to Minerva of the Parthenon. Many kinds of property were received by the temples without any de-

[379] For the former point see book III. 8. for the latter, Inscript. 123. vol. I. p. 164. ed. Boeckh.

[380] Andocid. in Alcibiad. p. 118.

[381] Orat. in Nicostrat. p. 1247. τὰ τρία μέρη, ἃ ἐκ τῶν νόμων τῷ ἰδιώτῃ τῷ ἀπογράψαντι γίγνεται.

[382] Xenoph. Hellen. I. 7. 10. Andocid. de Myst. p. 48. Decret. ap. Vit. Dec. Orat. p. 226.

duction, so that nothing passed into the public coffers[383]: and how great must have been the losses occasioned by fraud or by sale of property under its value. "You know," says a person in Lysias threatened with confiscation of property[384], "that part of my property will be plundered by these persons (his adversaries), and that what has considerable value will be sold at a low price:" the community, he remarks, derives less profit from the forfeiture, than if the proprietors retained the property, and performed the services annexed to it by law. Again, the offender frequently concealed his property under a fictitious name, or relations and friends claimed it from the State, and, finally, the accused sought to excite pity, by speaking of orphans, heiresses, age, poverty, maintenance of the mother, &c.[385]; and it is a beautiful and praiseworthy feature in the character of the Athenians, that this appeal was seldom made in vain, but a part of the property was commonly transferred to the wife or the children[386]. Upon the whole, the receipts actually obtained were in general far less than was expected, as is shewn by Lysias' speech for the property of Aristophanes. If there was any suspicion of concealment, this again furnished material for fresh accusations. Thus when Ergocles the friend of Thrasybulus was deprived of his property by confiscation, for having embezzled thirty talents of the public money, and the value of that found in his possession was inconsiderable, his treasurer Epicrates was

[383] Instances of this may be seen in Inscript. 158. vol. I. p. 252. ed. Boeckh.

[384] In Poliuch. p. 610.

[385] Orat. in Nicostrat. p. 1255.

[386] Demosth. in Aphob. I. p. 834. 6.

brought before the court, suspicions being entertained that the property lay concealed in his house [387].

(15.) But by far the most productive source of revenue in the possession of the Athenian State was the Tributes (φόροι) of the Allies, as the ancients themselves were well aware [388]. It was however an insecure and uncertain revenue, for the payments soon ceased to be voluntary, and either from the disturbances occasioned by war, or the defection of the allies, were often irregularly made, or even entirely failed [389]. "Before the time of Aristides," says Pausanias [390], "the whole of Greece was free from tributes;" by which statement he wishes to detract from the fame of this person, by the mention of the imposts with which he loaded the Grecian islands. We question, in the first place, whether the name of Aristides suffered by a work which in its first institution was so honourable and just; and, in the second place, whether the payments which Aristides introduced were entirely novel. At so early a period as when Sparta had the precedence of all Greece, certain monies (ἀποφορὰ) were paid for the uses of war, although we have no accurate account of them. When the Athenians succeeded in the place of the Spartans, Aristides was commissioned by the Greeks with the charge of investigating the territory and revenues of the different States, and of fixing, according to the power of the several countries, the contribution which each should make towards the equipment of the naval and the military forces against the power of Persia. The moderation of

[387] Lysias in Ergocl. et in Epicrat.

[388] Thucyd. I. 122. II. 13. III. 13. VI. 91.

[389] As was the case after the Sicilian war.

[390] VIII. 52.

Aristides, the satisfaction expressed with his allotment, and also the poverty in which he lived and died, have gained for him in all ages the reputation of a just man [391]. The temple of Delos was the treasury for the reception of these tributes; and here also the assemblies were held, to which all the allies had admission; the Athenians only enjoyed the precedence together with the administration of the money by means of the Hellenotamiæ, who were always Athenian citizens appointed by the government of Athens. The contributions were at their first institution in Olymp. 77. 3. known by the name of tributes (φόροι) [392], and, according to the rate appointed by Aristides, amounted to 460 talents a year [393]; and so early even as at that period it had been determined which States were to supply money, and which ships [394]. Every thing was regulated by voluntary agreement for a common object [395]; for the preservation of their freedom, the small and weak States willingly annexed themselves to the larger and more powerful. The ships of the allies assembled at Athens, and those States which had ships gave to those which had none [396]. And notwithstanding the payment of a tribute, the allies were inde-

[391] Plutarch. Aristid. 24. Nepos Aristid. 3. Æschin. in Ctesiph. p. 647. Demosth. in Aristocrat. p. 690. 1. Diod. XI. 47, &c.

[392] Thucyd. I. 96. Nepos, Aristid. 3. Diod. ubi sup. Dinarch. in Demosth. The time is not Olymp. 75. 4. as Diodorus states; see Dodwell's Annal. Thucyd. under Olymp. 77. 3.

[393] Thucyd. ubi sup. Plutarch. Aristid. 34. Nepos, ubi sup. Suidas in v. Ἑλληνοταμίαι. Diodorus (ut sup.) has incorrectly 560 talents, although in XII. 40. he errs in the contrary direction, when he states the tributes in the time of Pericles at 460 talents.

[394] Thucyd. ubi sup.

[395] Besides the other passages see Andocid. de Pace p. 107.

[396] Andocid. ibid.

pendent (αὐτόνομοι) [397], as their share in the regulation of the joint proceedings manifestly shews. Gradually however they fell into entire subjection to the Athenians, and were surrendered to their oppression and ill-treatment; a mischance which was in truth frequently owing to their own conduct; for these States, in order to avoid serving in war, having agreed to supply money and vessels without the crews, their contributions frequently remained unpaid; from this reason they were ready to seize the first opportunity for revolt, although their resistance would of necessity be unavailing, as they had previously yielded up their power; nor had any sufficient preparations been made against the Athenians, who were strengthened at their expence [398]. On the other hand, the Athenians, although at first they were strict in their demands for crews and vessels, favoured the inclination of the allies after the time of Cimon, who willingly took empty ships and money from those who were unable to serve in person. He allowed the allies to carry on trade and agriculture without any disturbance, by which means they became unfitted for war; and, on the other hand, practised the Athenians, who were maintained out of contributions of the allies, in naval exercises; for they were continually serving on board their vessels, and the arms were rarely out of their hands [399]. Thus in the same degree that the military strength of the allies declined, the Athenian power increased, and with it a spirit of arrogance and severity towards the confederates [400]. The payment of the tribute was now considered as a duty of the allies, while they were at the same time deprived of a vote in the assembly. The transfer of the treasury from Delos to Athens placed

[397] Thucyd. I. 97.
[398] Thucyd. I. 99.
[399] Plutarch. Cim. 11.
[400] Cf. Diod. XI. 70.

the Athenian State in the unlimited possession of these funds, and shewed that the true relation between the allies and Athens was that of tributary subjects to their sovereign and protector. From this period Athens made use of the resources and property of these allies for her own private interests, and against their prosperity and freedom. The excuse alleged in favour of this dangerous transfer of the treasure, was the greater security against the Barbarians; and it is remarkable, that this allegation proceeded from Samos, one of the allied States, although it was doubtless made at the bidding of Pericles[401]. Aristides declared that the proceeding was expedient, but unjust, like the burning of the Grecian docks[402]: but as he had prevented the execution of the latter project, he could not have been zealous in his endeavours to prevent the transfer of the treasure of Delos to Athens, at least according to the judgment of Theophrastus; and he held the opinion, that in public affairs perfect justice need not of necessity be followed[403]. Pericles is stated to have obtained the superintendence of the money that was brought to Athens[404]. He taught the Athenian people that they were not accountable to the allies for these contributions, as the Athenians waged war in their defence against the attacks of the Barbarians, while these States did not provide a horse, a ship, or a soldier; that it was their duty to apply the money to objects which would both promote their interests and enhance their celebrity; and that by devoting their resources to the creation of works of art, they would maintain every hand in employment,

[401] Plutarch. Aristid. 25.

[402] Plutarch. Themist. 20. Aristid. 22. Cic. de Off. III. 11.

[403] Plutarch. Aristid. 25.

[404] Diod. XII. 38.

and at the same time most splendidly adorn their city.[405] In fact, no statesman ever administered the public revenue more successfully than Pericles, or conferred greater benefits upon commerce and industry, which were especially promoted by the extended relations and increased naval force of Athens; but while he distributed this money among the people, he built the wealth of Athens upon maritime trade, and her ascendency upon naval power, omitting all concern for the welfare of the landholders, whose property he gave up to devastation; and at the same time he laid the foundation of the unlimited democracy, which, as is evident from the diminution which he effected in the power of the Areopagus, was unquestionably a part of his policy, and to which even Aristides and Cimon, although in their hearts they were Aristocrats, essentially contributed by yielding to the spirit of the times. After this transfer of the treasure, which (as near as can be ascertained) took place about Olymp. 79. 4.[406], the subjection of the allies was by degrees completely established, a point which we shall presently have occasion to notice. Notwithstanding this arbitrary proceeding, Pericles does not appear to have made any great alteration in the rate of the tributes; for in his time they only amounted to about 600 talents[407]. The 140 talents, which is about the excess of this sum above the rate fixed

[405] Plutarch. Pericl. 12. cf. Isocrat. Συμμαχ. 29.

[406] Justin. III. 6. see Dodwell Ann. Thucyd. ad Ann.

[407] Thucyd. II. 13. Plutarch. Aristid. 24. Here Diodorus (XII. 40.) falsely gives 460 talents. The passage of Telecleides in Plutarch Pericl. 16. does not prove that Pericles had raised or lowered the tributes, but only that he had the power of doing so. Cf. ibid. 15. init. Concerning the Eubœan tributes see Schol. Aristoph. Nub. 214.

by Aristides, may be easily accounted for by the acquisition of fresh allies subsequently to the time of Aristides, particularly of the Asiatic States, and by the redemption of the obligation to serve in war, or of the dependence of the free States; to which the increase of the Eubœan tribute supposed to have been the work of Pericles probably refers. It is expressly related of Alcibiades [408], that he persuaded the Athenians to make a new valuation in the place of that which had been so equitably framed by Aristides, and being appointed for this service together with nine colleagues, he imposed on an average a double rate upon all the allies. This proceeding took place in the beginning of the public career of Alcibiades, shortly before the peace of Nicias concluded in Olymp. 89. 3; for after this period the Athenians raised annually more than 1200 talents, that is in fact, double the former amount [409]: in this compact however many States were suffered still to retain the original assessment of Aristides. According to Plutarch [410], the demagogues after the death of Pericles gradually increased the tribute until it reached 1300 talents, not on account of the expences of war, but in

[408] Andocid. in Alcib. p. 116. πρῶτον μὲν οὖν πείσας ὑμᾶς τὸν φόρον ταῖς πόλεσιν ἐξ ἀρχῆς τάξαι, τὸν ὑπ' Ἀριστείδου πάντων δικαιότατα τεταγμένον, αἱρεθεὶς ἐπὶ τούτῳ δέκατος αὐτὸς, μάλιστα διπλάσιον αὐτὸν ἑκάστῳ τῶν συμμάχων ἐποίησεν, and on the same subject farther on. Cf. Aristid. Orat. Plat. II.

[409] Æschin. de Fals. Leg. p. 337. Andoc. de Pace p. 93. For the more accurate determination of the time as obtained from Aristophanes, see chap. 19. In addition to what is there said I may mention that the express condition made in the treaty of Nicias, that certain cities should pay the tribute as it was fixed in the time of Aristides, distinctly shews that it had at that time been increased.

[410] Aristid. 24.

order to defray the public distributions, the sacrifices, and other demands of a similar description; whether this statement merely refers to Alcibiades and his colleagues, or to other public leaders, who lived at a later period in the history of Athens, I do not attempt to determine. The new arrangement of the tributes was however, according to the account of Andocides, so oppressive, that many of the allies left their native country, and emigrated to Thurii.

To any person who should wish to have an accurate knowledge of the respective means of the ancient nations, it would be a matter of curiosity to know the amount paid by each individual State; upon this point however the information which we possess is most scanty. Cythera, after it had fallen under the power of Athens (Olymp. 88. 4.), paid a tribute of four talents [411]. A greater number of data would be afforded us, if more Athenian inscriptions upon the payments of the tributes were extant. In a fragment, which probably is a part of a catalogue of the tributaries, and of the sums which they had paid or still owed [412], we find distinctly mentioned the Neopolitæ between Amphipolis and Abdera, the Thracian Peninsula, the Limnæans of Sestos, and Tyzodiza in Thrace, which is rated at 1000 drachmas; also part of Mysia, probably the country along the coast, is stated to have paid ten talents; together with other towns and countries whose names are either mutilated or entirely lost, among which two items occur of ten talents each, two of one talent, one of 1000, another of 2000, and another of 3000 drachmas.

[411] Thucyd. IV. 57.

[412] In Chandler's Inscript. II. 23. p. 53. Δ wherever it occurs in this inscription should be changed into Δ. The writing is that which was in use before the Archonship of Euclid.

About the second year of the ninety-first Olympiad the tributes were however entirely abolished, and a transit-duty of a twentieth was introduced in their place, from an expectation that it would produce a larger amount of revenue[413]; but of the amount of the receipts obtained from this custom-duty we are entirely ignorant; unless the sum of 300 talents, to which Plutarch states that the demagogues finally succeeded in raising the tribute, may be referred to this impost. This twentieth, as has been already remarked, does not appear to have been abandoned until the battle of Ægospotamos put an end to the tributary condition of the allies, in consequence of which the board of Hellenotamiæ, which was manifestly created for the administration of those monies, was suppressed[414]. As to the conversion of these contributions into a custom-duty our knowledge would also be more accurate, if the inscriptions recording the event had been better preserved. A single inscription published by Pococke[415],

[413] See above chap. 6.

[414] See book II. 7. in which and in the third chapter the necessary information with regard to the collection and management of the tributes will be found.

[415] P. 52. N. 42. "Jam vero quum solum olim Pocockii exemplum editum esset in quo vs. I. est ΒΟΣΕΙΤΕΝΕΙ, quod in his hæc, δώσει τὴν εἰκοστὴν, latere arbitrabar, Œc. Civ. Ath. II. 15. conjeci decretum hoc ad tributa in vigesimam mutata pertinere: quæ res accidit circa Olymp. 91, 2. (vid. inf. cap. 17.): nunc melioribus exemplis potitus antiquius id esse intelligo. [*In marmore legitur* ΒΟΛΕΝΤΕΝΕΣ *i. e. Boeckhio interprete* Βουλὴν τὴν ἐχ[ς Ἀρείου πάγου, Σ *pro* Χ *male lecto.*] Sed quominus id ad primitivam tributorum institutionem Aristidis et Cimonis ætate excogitatam referas, vel scripturæ forma impedit: nec qui id ipsum voluit, quidquam demonstravit . . . . . Probabilius habeo hoc fragmentum ex ea lege esse, qua tributa sociorum, Alcibiadis potissimum opera aucta, nova ratione de-

which probably refers to this point, serves no farther than to excite our regret that it is so mutilated as to be unintelligibly transcribed.

(16.) The obligation to pay a tribute to Athens was not however, even in the times which preceded the Anarchy, common without exception to all the allied States, although with regard to this as well as other particulars, the circumstances of the Athenian alliance were very various. Many nations had only entered into agreements with Athens with respect to the military service, and provided mercenaries, as for example the Arcadians, the Swiss among the Greeks, and also the Acarnanians, and the Cretans; others were voluntarily connected with the Athenians for a certain time by defensive or offensive alliances (ἐπιμαχία or συμμαχία) either from a preference for Athens, or for the sake of their own interest, as was frequently the case with Argos, and in the early part of the Peloponnesian war with Corcyra, Zacynthus, the Messenians of Naupactus, and the Platæans[416]. These alliances expired after the conclusion of the period agreed upon, in case they were not renewed, and were always unconnected with any conditions for the payment of a tribute. The nature of our enquiry limits us to the consideration of the per-

scripta et ordinata sint. Ea res acta ante Olymp. 89. 3. ut conjicio Olymp. 89. 1—2. (cap. 15. 19.) Tum etiam causas ed tributis apud populum vel in judiciis actas esse ex Antiphonte docui (not. 467, 468, 470.): tum rem tributariam Atheniensibus maxime cordi fuisse docent Aristophanis Vespæ Olymp. 89. 2. editæ, ubi vs. 690. memorantur homines ἐπαπειλοῦντες κἀναβοῶντες· Δῶσετε τὸν φόρον, ἢ βροντήσας τὴν πόλιν ὑμῶν ἀνατρέψω. Et vs. 727. mille urbes habes, αἳ νῦν τὸν φόρον ἡμῖν ἀπάγουσιν. Adde vs. 677." Boeckh. Inscript. Corp. vol. I. p. 113.

[416] Cf. Thucyd. VI. 85. VII. 57.

petual allies, who may be divided into independent (*αὐτόνομοι*), and subject (*ὑπήκοοι*). In order then first to point out the chief distinction between the two conditions, the former class retained possession of unlimited jurisdiction, whereas the subject allies were compelled to try all their disputes in the courts of Athens. The nature of this compulsion has not however been as yet satisfactorily ascertained. I should in the first place remark that Casaubon [417], by the misconception of a passage in Athe-

[417] Ad Athen. IX. p. 407. B, *καθ' ὃν δὲ χρόνον θαλασσοκρατοῦντες Ἀθηναῖοι ἀνῆγον εἰς ἄστυ τὰς νησιωτικὰς δίκας.* Ἀνῆγον does not mean *traduxerunt*, as Casaubon translates it, but *evocabant*, and the sense is, "At the time that the Athenians decided (i. e. used to decide) at Athens the law-suits of the Islanders." Concerning the expression *ἀνάγειν* see Hudtwalker *von den Diäteten* p. 123. although the passages which he quotes are not entirely similar. This writer however, who is so well versed in the Athenian law, maintains in the same place that these suits were called *δίκαι ἀπὸ συμβόλων*, in a sense different from the common acceptation. I have not however succeeded in finding any proof of his assertion: Valesius ad Harpocrat. upon whose authority he mainly depends, and who also quotes in p. 334. two passages of Dion and Libanius upon the compulsory jurisdiction of the Athenians, which I thought might be passed over, prove nothing in his favour, nor in the other passages is there any thing which supports his opinion, while the passage of Antiphon de Herod. cæde p. 745. distinctly contradicts it; although even this testimony is apparently opposed to the words of Pollux VIII. 63. *ἀπὸ συμβόλων δὲ ὅτι οἱ σύμμαχοι ἐδικάζοντο*; in this place however the allies are doubtless meant to be independent and equal with the Athenians. It were much to be wished that some person would undertake a separate examination of the *δίκαι ἀπὸ συμβόλων*. [This has been done by Schömann *AttischeProcess* p. 773—80. who however interprets the passage of Antiphon thus: "Many of the subject allies emigrate to the main-land, dwell even among the enemies of Athens, and defraud the Athenians by law-suits (*δίκαι ἀπὸ συμβόλων*)." It is not here stated that the islanders

næus, imagined that the Athenian Nesiarchs (although in fact no officers of this name ever existed) originally decided the law-suits of the Islanders, and that at a subsequent period when these offices were abolished, all litigations were carried on at Athens. It is however more probable that, when the jurisdiction was taken away from the allied States, it was immediately made compulsory upon them to refer all disputes to the Athenian courts. The model of this regulation, by which Athens obtained the most extensive influence and an almost absolute dominion over the allies, was probably found in other Grecian States which had subject confederates, such as Thebes, Elis, and Argos. But on account of the remoteness of many countries, it is impossible that every trifle could have been brought before the courts at Athens; we must therefore suppose that each subject State had an inferior jurisdiction of its own, and that the supreme jurisdiction alone belonged to Athens. Can it indeed be supposed that persons would have travelled from Rhodes or Byzantium to Athens for the sake of a law-suit for 50 or 100 drachmas? In private suits a sum of money was probably fixed, above which the inferior court of the allies had no jurisdiction: while cases relating to higher sums were referred to Athens; hence the amount of the prytaneia, which were only paid in private causes[418], was by this interdiction of justice[419] augmented in favour of the Athenians. The public and penal causes were however of far greater importance to the Greeks from their being

would not when at home have been able to carry on δίκαι ἀπὸ συμβόλων with Athenians, but only that they preferred doing so in foreign countries, since there they could annoy the Athenians without fear or danger."]

[418] Book II. 9.

[419] Xenoph. de Rep. Ath. I. 16.

habituated to a free government. There can be no doubt that cases of this description were to a great extent decided at Athens, and the few definite statements which are extant refer to law-suits of this nature. Thus Isocrates[420] speaks of sentences of death passed against the allies: the law-suit of Hegemon the Thasian, in the age of Alcibiades, was evidently a public suit[421]; and the

[420] Panath. 24.

[421] Of what description the law-suit of Hegemon of Thasos was (Chamæleon ap. Athen. ubi sup.) is uncertain; it may however be with some probability supposed to have been a δίκη ὕβρεως against the somewhat coarse jokes of the parodist, which proceeded as far as acts of violence; for on one occasion Hegemon even permitted himself to throw stones from the stage into the orchestra; whence it would have been easy to proceed to acts of open violence. Concerning the Metroum, which occurs in this passage in Athenæus, see Lives of the Ten Orators p. 255. also Harpocration and Valesius. It was there that the laws were preserved; it was in the vicinity of the senate-house (βουλευτήριον), and there also the statues of the heroes of the tribes (ἐπώνυμοι) were placed, upon which all new proposals of laws were exposed for the information of the public. Before any public action could be brought on, it was also necessary that it should be publicly exposed in the same place. Demosth. in Mid. p. 548. πλὴν ἵν' ἐκκέοιτο πρὸ τῶν ἐπωνύμων. "Εὐκτήμων Λουσιεὺς ἐγράψατο Δημοσθένη Παιανιέα λιποταξίου." Cf. Herald. Animadv. VII. 16. 21. Now in the Metroum, which was close at hand, accusations were also drawn up, and exposed to public view (Chamæleon ubi sup.), and this was the case with the action against Hegemon the parodist. Can it however be supposed that private actions could have been publicly exposed in this place? None but public actions were of sufficient importance to make it necessary that they should be communicated to the people. Hence it is evident that the action against Hegemon was a public suit, and this may be seen from the very words used by Chamæleon: γραψάμενός τις καὶ τὸν Ἡγήμονα δίκην, ὅπου τῶν δικῶν ὅταν αἱ γραφαὶ, τοῦ τὴν δίκην

oration of Antiphon concerning the murder of Herodes is a defence of a Mytilenean, who was proceeded against by a criminal prosecution subsequently to the revolt of his State, in consequence of which defection it was made subject, and planted with Cleruchi. From the latter orator we learn that no subject State had the right of condemning an accused person without the consent of the Athenians[422], but that it had the power of setting the

γραψαμένου: at least γράφεσθαι is very rarely used of a private action, as in Isocrat. adv. Callimach. 5. [It appears from the passage in Athenæus that some person had compelled Hegemon of Thasos to go to Athens, for the purpose of referring to the Athenian courts an offence committed in his own country, γραψάμενός τις τὸν Ἡγήμονα δίκην ἤγαγεν εἰς τὰς Ἀθήνας. Hegemon had also on some occasion thrown stones from the stage into the orchestra, probably in the theatre at Athens. There does not therefore appear to be much ground for the conjecture advanced in the beginning of this note.]

[422] P. 724. ὁ οὐδὲ πόλει (a subject State such as Mytilene) ἔξεστιν ἄνευ Ἀθηναίων οὐδένα θανάτῳ ζημιῶσαι. It should be observed, that the person who delivers this speech is not an Athenian, as might be supposed from the Greek argument, but a foreigner; he is indeed one of the ancient inhabitants of Mytilene, which is shewn by the account of his father (p. 742—746.), who was in Mytilene at the time of the revolt, and afterwards went to Ænus; but he had perhaps formerly lived at Athens as a foreigner, and part of his property and his children were there at the time of the revolt (p. 743.) His son Helus (p. 713.) includes himself among the foreigners, and (p. 737.) he calls Ephialtes τὸν ὑμέτερον πολίτην: also in p. 739. οἱ Ἑλληνοταμίαι οἱ ὑμέτεροι. [And Bekker Orat. Att. tom. I. p. 72. has restored ἡ ὑμετέρα πόλις from 3 MSS.]. Reiske, by supposing that Antiphon's client was an Athenian, has fallen into error throughout the whole speech. Hence he misunderstands the passage in p. 743. and writes ἱκανὰ γὰρ ἦν τὰ ἐνέχυρα, ἃ εἶχεν αὐτοῦ, οἵ τε παῖδες καὶ τὰ χρήματα, without making any mention of this alteration beneath the text.

investigation on foot[423] (an arrangement which was indispensably necessary), and the Athenian court only gave judgment. For more determinate accounts on this point I have in vain sought. The independent allies must also have had the power of deciding for themselves with regard to war and peace, and at least a formal share in all decrees, although the preponderance of Athens deprived the latter right of its force; while the subject States were, according to the legal conditions, governed by the will of the Athenians. Both had their own public officers; for that this was the case with the subject States is proved by the Delian Archons who occur in the 100th Olympiad, at a time when Delos was so far in the power of Athens, that the latter State was in possession of the temple, which it managed by its own Amphictyons. Nevertheless we find that Athens sometimes appointed Archons, or governors of its own in the States of the subject allies. These officers may be compared with the Harmosts of the Spartans[424]. Thus Polystratus, one of the 400, had been

The reason given in p. 865 of his notes is however quite futile, and the old reading εἴχετο must be restored, according to which the children and property of the father of Antiphon's client were not in Athens, as according to Reiske's emendation, but, what was more natural, in Mytilene.

[423] This is evident from the same speech of Antiphon p. 719 sqq. as the examination and the torturing, and indeed the whole investigation, had been previously gone through at Mytilene.

[424] Harpocration; ἐπίσκοποι· Ἀντιφῶν ἐν τῷ περὶ τοῦ Λινδίων φόρου, καὶ ἐν τῷ κατὰ Λαισποδίου· οἱ παρ' Ἀθηναίων εἰς τὰς ὑπηκόους πόλεις ἐπισκέψασθαι τὰ παρ' ἑκάστοις πεμπόμενοι, ἐπίσκοποι καὶ φύλακες ἐκαλοῦντο, οὓς οἱ Λάκωνες ἁρμοστὰς ἔλεγον. Θεόφραστος γοῦν ἐν. πρώτῳ τῶν πολιτικῶν τῶν πρὸς καιρούς φησιν οὕτω· Πολλῷ γὰρ κάλλιον κατά γε τὴν τοῦ ὀνόματος θέσιν, ὡς οἱ Λάκωνες ἁρμοστὰς φάσκοντες εἰς τὰς πόλεις

an Archon at Oropus[425]; we hear of similar officers even before the Peloponnesian war in the subject Samos[426], and one as late as at the time of Æschines in the island of Andros[427], which had indeed been formerly planted by Athenian colonists, and perhaps may be thought to have been under an Athenian Archon for that reason. Also in time of war they had Athenian commanders in the cities, together with garrisons, if there appeared to be any necessity. Of those Archons or governors we know by name, the Episcopi, of whom I have already treated, and the officers called Κρυπτοὶ, who transacted some foreign affairs in secret, but of what nature, we are not informed[428]. It cannot be proved that there ever were Athenian officers of this kind in the independent States, except only that their military forces were commanded by an Athenian general[429]. Both classes of the allied States had unquestionably the unrestricted administration of their home affairs, and the power of passing decrees. The subject States were necessarily in this point limited to a narrow circle; it is however wholly inconceivable that every decree which they passed

πέμπειν, οὐκ ἐπισκόπους οὐδὲ φύλακας, ὡς Ἀθηναῖοι. The term φύλαξ is applied in Thucyd. IV. 104. to the Athenian commander at Amphipolis.

[425] Lysias pro Polystr. p. 569.

[426] Thucyd. I. 115.

[427] Æschin. in Timarch. p. 127. It is to Archons of this description that the fragment of a law in Aristoph. Av. 1049. without doubt refers, ἐὰν δέ τις ἐξελαύνῃ τοὺς ἄρχοντας. καὶ μὴ δέχηται κατὰ τὴν στήλην.

[428] Lex. Seg. p. 273. Κρυπτή: ἀρχή τις ὑπὸ τῶν Ἀθηναίων πεμπομένη εἰς τοὺς ὑπηκόους, ἵνα κρύφα ἐπιτελέσωσι τὰ ἔξω γινόμενα. διὰ τοῦτο γὰρ καὶ κρυπτοὶ ἐκλήθησαν.

[429] As the example of Chios shews, Thucyd. VIII. 9.

required a ratification from Athens or the Athenian authorities[430]. The obligation to pay a tribute was held originally not to be incompatible with independence, nor indeed in later times was it absolutely identical with dependence or subjection; but the independent allies of the Athenians were commonly exempted from tribute, and were only bound to provide ships and their crews (οὐχ ὑποτελεῖς φόρου, ναῦς δὲ παρέχοντες: ναυσὶ καὶ οὐ φόρῳ ὑπήκοοι: νεῶν παροχῇ αὐτόνομοι); the subject allies however paid a tribute (ὑποτελεῖς; φόρου ὑποτελεῖς)[431]; although it should be remembered that the subject allies were sometimes, in spite of the tribute, compelled to serve in the fleet or by land. Independence, together with an obligation to pay a tribute to Athens, and without any alliance with the Athenians, was granted in the peace of Nicias, in Olymp. 89. 3. to the cities of Argilus, Stageirus, Acanthus, Scolus, Olynthus, and Spartolus, and the Athenians were only empowered to induce them to an alliance upon their own voluntary agreement. This qualified dependence, which was also extended to some other cities[432], was a perfect model of the original form of the Athenian confederacy. If these cities became

[430] This must not be concluded from the Delian decree in Gruter p. CCCCV. which Montfaucon has given with corrections in the Diarium Italicum, and which has been published by several other writers. For although it is of the time when Delos was under the rule of Hadrian (see Maffei Mus. Veron. p. CCCCXXXIII.), it is of late date, when Delos had ceased to be a separate community, but was consolidated with Athens (and thence the expression ὁ δῆμος τῶν Ἀθηναίων ἐν Δήλῳ), and was under the protection of Rome. Moreover the application that is made by the Delians for ratification is voluntary, and not compulsory.

[431] Thucyd. VII. 57. II. 9. VI. 85.

[432] Thucyd. V. 18.

Athenian allies, they were in that case independent, and yet tributary, although exempt from military service; which was the precise condition of those States which contributed money in the time of Aristides. It should be also observed, that the difference of these conditions did not arise at successive periods of time: those States were subject which had either originally offered to pay a tribute instead of the obligation to serve in war, or had subsequently commuted their quota of troops and ships for a tribute, or had been conquered in using their forces in opposition to Athens. Those alone remained independent, without paying any tribute, to whom the contrary of these three cases applied. Those States were independent, and at the same time liable to the payment of a tribute, which had before paid tribute and been subject, but had obtained their independence by a particular agreement between Sparta and Athens, without the Athenians being forced to take off the tribute which had been before received. Nor can it be fairly said that the Athenians had no excuse for both exacting a tribute from those who did not perform any military service, and also depriving them of jurisdiction; for the tribute they paid out of what Athens had maintained or procured for them [433], and of the latter privilege they were unworthy, if they refused to bear arms. It is however an unquestionable stain in the character of the Athenians, that they gradually reduced many independent States, although the alliance would have been much sooner dissolved without this exertion of power. We should also remark, that independence is simply called freedom (ἐλευθερία), and subjection servitude (δουλεία) [434],

[433] Isocrat. Panath. 25.

[434] Thucyd. II. 10. V. 9, 92. VI. 76, 77, 80. Isocrat. Συμμαχ.

which last must not be considered as identical with the conversion of the inhabitants into slaves (ἀνδραποδισμός); the cases in which the situation of servitude would be particularly mentioned, are when the citizens were not only deprived of independence, but when their property was also taken from them, and given to new colonists, to whom the ancient inhabitants, if they did not emigrate, stood in the relation of renters of their former possessions; a state not much inferior to the condition of the Helots or the Penestæ.

At the breaking out of the Peloponnesian war there were only three allied States of Athens which still preserved their independence, viz. Chios, Mytilene in the island of Lesbos, and Methymna [435]. Many others, which had formerly been independent, such as Thasos and Samos, had lost their fleets and their liberty. The first State which was reduced to a condition of servitude was Naxos, in consequence of its revolt, although this island had not probably up to that period paid any tribute, but only furnished vessels, as it did at the battle of Salamis [436]. The other Cyclades were then reduced to the same con-

16. Diod. XV. 19. and elsewhere frequently. Cf. Xenoph. de Rep. Ath. 1, 18.

[435] Thucyd. II. 9. III. 10. VI. 85. cf. VII. 57.

[436] Herod. VIII. 46. Concerning the subjection of this island Thucydides says (I. 98.) ἐδουλώθη παρὰ τὸ καθιστηκός; by which I conceive that he does not mean slavery, but complete dependance, as the Naxians were compelled to pay tribute, and also lost their independence, which till then had been unheard of. Thucydides intentionally makes use of the expression ἐδουλώθη to distinguish from the preceding word ἀνδραποδίσαι. It is possible that Cleruchi had been already sent as a garrison to Naxos, to whom the inhabitants stood in the relation of tenants to landlords.

dition, with the exception of the Spartan Melos, and Thera, which was included by some among the Cyclades[437]. The centre of these islands was the sacred Delos, which was considered holy by all the Greeks, on account of ancient religious worship, and had once been the seat of an Amphictyonic confederacy. The Athenians appear to have laid claims to this island, or at least to the temple, in very early times; for Erysicthon, the son of Cecrops[438], is reported to have gone thither for the sake of some religious ceremonies, and Pisistratus made a purification of the island[439]. The possession of it was doubtless of the first importance to the Athenians, so soon as they aimed at obtaining the ascendancy of Greece, for which object religion was a powerful auxiliary. Athens also persuaded some prophets of Delos to foretel that she would once possess the dominion of the sea[440]. In Olymp. 88. 3. the Athenians took entire possession of the temple, made frequent purifications of the island, and in Olymp. 89. 3. expelled the ancient inhabitants, upon the pretext of impurity, and planted the island with Athenians, as the Delians were suspected of being dependent upon Sparta; but Athens was subsequently compelled to reinstate them upon the command of the oracle[441]. In order to weaken the influence upon the minds of the Greeks, which the possession of this temple had or might have given to the Athenians, it would manifestly have been expedient for the Spartans to deprive them of it: and we can only attribute

[437] Thucyd. II. 9.

[438] Pausan. I. 18—31. Phanodem. ap. Athen. IX. p. 392. D.

[439] Herod. I. 64.

[440] Semus Delius ap. Athen. VIII. p. 331. F.

[441] Thuc. I. 8. III. 104. V. 1. VIII. 108. V. 32. Pausan. IV. 27. Diod. XII. 73.

it to a want of political foresight that Pausanias, the son of Pleistoanax, king of Lacedæmon, while he held Athens in a state of blockade, should have given a scornful and contemptuous refusal to the petition of the Delians for the recovery of their temple[442]. The Athenians therefore remained in undisturbed possession, which they had not lost in the 107th or 108th Olympiad, when the Delians, in the Amphictyonic council of Pylæ, endeavoured to assert their rights against Athens, whose defence was conducted by Hyperides as advocate (σύνδικος) in the famous Delian oration, and which he mainly rested upon arguments derived from the fabulous history of the island[443]. Besides this insular group, all the other islands belonged to the subject allies, which are included in a line running from Byzantium along the coast of Europe as far as Cythera, near the promontory Malea, and from thence northwards from Crete over Carpathos and Rhodes as far as Doris, and proceeding northwards from thence along the coast of Asia to Chalcedon[444], excepting the independent States mentioned above, and the islands belonging to Lacedæmon, of which Cythera first came into the power of Athens in Olymp. 88. 4. and Melos in Olymp. 91. 1. after an obstinate defence[445]. Many were distinguished of old for their power and wealth, such as Paros[446] in the Cyclades, Thasos abounding in

[442] Plutarch. Apophthegm. Lacon. with the emendation of Dorville de Delo Miscell. Observ. vol. VII. part 1.

[443] Demosth. de Corona, Vit. Dec. Orat. in Æschin. Apollon. in Vit. Æschin. Schol. Hermog. p. 389.

[444] This is the substance of the different accounts given by Thucydides in the passages already quoted.

[445] Concerning the former see Thucyd. IV. 54. cf. VII. 67.

[446] Herod. VI. 132. Nepos Miltiad. VII. Steph. Byzant. from Ephorus.

metals; the flourishing and powerful Samos[447], the inhabitants of which received their independence after the defeat in Sicily[448]; also Rhodes and Ægina, which was made tributary in Olymp. 80. 3.[449]; and Eubœa, whose five chief cities, Chalcis, Eretria, Carystus, Styra, and Histiæa, afterwards Oreus, were all under the dominion of Athens[450], were in part colonized with Athenians. Now although the smaller islands were unimportant when considered singly, their united resources amounted to a considerable power, if we reckon all those which lie within the circumference above mentioned, as far as the distant islands of Carpathos, Casos, and Chalce[451], which were included among the allies. Among the subject States Thucydides also enumerates the coast of Caria, the Dorians, who bordered upon the Carians, Ionia, the Hellespont, and the Grecian territory in Thrace[452], which includes powerful and famous cities, such as Halicarnassus, Cnidos, Miletus, which had once sent out eighty vessels against Darius[453], and furnished infantry to the Athenians[454]; Ephesus, Colophon, celebrated for its equestrian forces, Teos, Priene, Erythræ, Smyrna, and the other Ionian cities. Ionia upon the whole produced a very considerable revenue to the Athe-

[447] Thucyd. VIII. 73, 76. This island once sent 60 vessels against Darius the son of Hystaspes, the Chians 100, the Lesbians 60, Herod. VI. 8.

[448] Thuc. VIII. 21.

[449] Diod. XI. 75. Thuc. I. 108.

[450] Thucyd. VI. 76, 80. VII. 57.

[451] Concerning the two latter see Schol. Thucyd. II. 9.

[452] Thuc. II. 9. cf. VI. 77.

[453] Herod. VI. 8.

[454] Thuc. IV. 54.

nians[455]. To these may be added Antandros, Abydos, Sigeum, Lampsacus, Priapus, Parium, Cyzicus[456], together with Proconnesus, Chalcedon, Byzantium[457], Selymbria, Perinthus, Sestos, and the Thracian Peninsula, the whole southern coast of Thrace, the coast of Macedonia with its projecting capes and promontories, where the important cities of Amphipolis, Olynthus, Acanthus, Stageirus, Menda, Scione, and Potidæa[458], were situated; the first of which towns was of the greatest moment to the Athenians on account of the revenues which they derived from it, and the large supplies of wood for shipbuilding which it furnished[459]; Macedonia is also mentioned in orations of a late date as having formerly paid a tribute[460]. Lastly, Oropus in Bœotia was also included among the tributary places[461], and for a time Nisæa in Megaris and Minoa. Now although Athens even in the time of its greatest power could not have been always secure of each one of these many States, it is yet easily perceived that so large a number of subjects laid the foundation of no inconsiderable power; and although Jason is represented by Xenophon[462] as speaking contemptuously of the small

[455] Thuc. III. 31.

[456] Concerning the latter see Thucyd. VIII. 107. Diod. XIII. 40.

[457] For the latter see Thucyd. I. 117. Xenoph. Anab. VII. 1. 27. &c.

[458] Concerning the tributary state of this town there is a clear passage in Thucyd. I. 56. before the revolt.

[459] Thuc. IV. 108. Concerning the Chalcidian cities see also Thuc. I. 57, 58. where the Bottiæans are still mentioned.

[460] Orat. de Halones. p. 79. 20. and thence in the spurious 5th Philippic, p. 156. 17.

[461] Thucyd. II. 23.

[462] Hellen. VI. 1. 4.

islands which paid tribute to Athens, it is not true that this charge of insignificance can justly be applied to more early times. Aristophanes in the Comedy of the Wasps[463] (Olymp. 89. 2.) reckons 1000 tributary cities, and founds upon this computation a ludicrous proposal for the maintenance of the Athenian citizens, viz. that each city should be required to maintain twenty Athenians; a sufficient proof that 1000 cannot here mean merely a large number, as the Grecian Scholiast says in the beginning of his note. No one indeed would suppose that this was the precise number of the tributary cities, but it cannot have been far distant from the real amount, for a gross exaggeration would have been merely absurd. It would also be easy to enumerate some hundred cities, although we are ignorant of far the larger number; it should however be remarked, that many small cities did not each pay a separate tribute, but sent it to Athens in one sum, and these Aristophanes probably reckons individually. Many small islands had several cities, which paid tribute either together or separately. Thus Icaros contained three[464], and Ceos four, tributary cities[465]. That several States paid in their contributions under one account, which they probably divided among themselves without any interference on the part of Athens, may be perceived from an inscription already quoted[466]; and if any increase was made in the amount of the tribute, it was natural that those cities which had previously been united should then be divided. The grammarians quote two speeches of Anti-

[463] Vs. 795.

[464] Vid. ad Inscript. 158. ed. Boeckh.

[465] Suidas in v. Βαχχυλίδης.

[466] See note 590.

phon, the one concerning the tribute of the Lindians [467], the other concerning the tribute of Samothrace [468]. Antiphon was an opponent of Alcibiades, against whom he delivered an oration, and whose recal during the government of the 400 he endeavoured to prevent, which gives some colour to the conjecture that these orations were directed against the increase of the tribute made by Alcibiades; for the allies being discontented and oppressed may have applied to Antiphon as an enemy of Alcibiades. These speeches however appear to have chiefly referred to the separation of several States, which had been previously united. Rhodes had paid tribute for a long period [469]; but perhaps Lindus, Ialysus, and Cameirus, made their payment jointly before the new arrangement of Alcibiades, and were then separated for the first time. This supposition may be proved more distinctly with regard to the oration concerning the tribute of Samothrace. A fragment of it still extant shews that Antiphon did not compose this speech in his own person, but that the Samothracians themselves were the speakers, who gave an account of the history of their island [470]: they are in this passage speaking

[467] Harpocrat in v. ἐπίσκοποι, ἀπυσπεῖν, ἄττα, ἐπαγγελία, προσφορά, συνήγοροι, τριβωνίομενοι, Ἀμφίπολις, where ΛΙΝΔΙΩΝ should be written with Valesius for ΛΗΝΑΙΩΝ.

[468] Harpocrat. and Suid. in v. ἀπόταξις, Harpocrat. in vv. ἐκλογεῖς, ἀεί, ἀποδιδόμενοι, συντελεῖς, Suid. in v. Σαμοθράκη.

[469] Thucyd. VII. 57.

[470] It is singular that no one has perceived that the passage in Suidas in v. Σαμοθράκη is a fragment of Antiphon: καὶ γὰρ οἱ τὴν ἀρχὴν οἰκήσαντες (l. οἰκίσαντες) τὴν νῆσον ἦσαν Σάμιοι· ἐξ ὧν ἡμεῖς ἐγενόμεθα· κατῳκίσθησαν δὲ ἀνάγκῃ, οὐκ ἐπιθυμίᾳ τῆς νήσου. ἐξέπεσον γὰρ ὑπὸ τυράννων ἐκ Σάμου, καὶ τύχῃ ἐχρήσαντο ταύτῃ, καὶ λείαν λαβόντες ἀπὸ τῆς Θρᾴκης ἀφικνοῦνται εἰς τὴν νῆσον. With regard to the history

against some burthen which was imposed upon them, as indeed is evident even from the name of the oration. In the same speech however mention was made of those who paid the tribute together (συντελεῖς) [471], and also of their separation, by which they were compelled to pay singly (ἀπόταξις) [472]; and it was doubtless of this change and the accompanying increase of the tribute that they complained. It should be also observed, that, were it supposed that a tribute of twelve or thirteen hundred talents could not have been oppressive with so large a number of cities as Aristophanes states; on the other hand, these cities had also to defray their own expences, that for a length of time large sums of money went out of the country and never returned, and that at the time of the Peloponnesian war, the quantity of coin circulating in Greece was inconsiderable. Two centuries and a half afterwards, Athens would have demanded much higher sums; for Rhodes alone derived a revenue of 120 talents a year from Caunus and Stratonicea [473].

(17.) Although the defeat at Ægospotamos had deprived the Athenians of all their allies, even of the islands of Lemnos, Imbros, and Scyros [474], they yet continued

comp. Heraclid. Fragment XXI. and Pausan. VII. 4. ed. Köhler. Lex. Seg. p. 305. 9. Eustathius and Schol. Villois. ad Il. N. 13. Ω. 78.

[471] Harpocrat. Συντελεῖς· οἱ συνδαπανῶντες καὶ συμφέροντες· τὸ δὲ πρᾶγμα συντέλεια καλεῖται, ὡς ἔστιν εὑρεῖν ἐν τῷ Ἀντιφῶντος περὶ τοῦ Σαμοθρᾳκῶν φόρου.

[472] Harpocrat. (Suid. Zonaras.) Ἀπόταξις· τὸ χωρὶς τετάχθαι τοὺς πρότερον ἀλλήλοις συντεταγμένους εἰς τὸ ὑποτελεῖν τὸν ὡρισμένον φόρον. Ἀντιφῶν ἐν τῷ περὶ τοῦ Σαμοθρᾳκῶν φόρου.

[473] Polyb. XXXI. 7. 12.

[474] Andoc. de Pace p. 95.

gradually to acquire fresh confederates; for ten years afterwards (Olymp. 96. 2.) the alliance between Athens, Bœotia, Corinth, and Argos, excited the allies of Sparta, particularly Eubœa and the Chalcideans in Thrace, to revolt; Conon's victory at Cnidos procured them Samos, Methone, Pydna, and Potidæa, together with twenty other cities, including Cos, Nisyros, Teos, Chios, Ephesus, Mytilene, and Erythræ: Diodorus also mentions the Cyclades in general, and even the island of Cythera[475]; the conquest of the whole of Lesbos is ascribed to Thrasybulus: this general also reestablished the power of Athens in the Hellespont, and restored the transit-duties at Byzantium (Olymp. 97. 1.); the greatest part of the Grecian coast of Asia, most of the islands, and even Rhodes, distant as it was, were subjected to the dominion of Athens. Now although we have not any accurate information concerning the state of the Athenian allies at this period, there can exist but little doubt that the ancient arrangements were for the most part renewed, and that they again became tributary and dependant. Athens exercised its naval dominion anew, and the whole of Greece came under the power of the Athenians, as was subsequently the case after the campaigns of Timotheus[476]; but the unfavourable peace of Antalcidas (Olymp. 98. 2.) only left the Athenians their own ancient islands of Lemnos, Imbros, and Scyros; Asia Minor, including Clazomenæ and Cyprus, fell into the hands of Persia; all the other cities and islands became independant[477]. The Cher-

[475] Dinarch. in Demosth. p. 11. Diod. in Olymp. 96. 2. and his commentators.

[476] Isocrat. Areopag. 5.

[477] Xenoph. Hellen. V. I. 28. Diod. XIV. 110. Isocrat. Συμμαχ. 22. Cf. Andoc. de Pace pp. 95, 96.

sonese even and the colonies did not remain in the power of Athens; the landed property in foreign countries belonging to her citizens and even their claims for debt were lost[478]. The Spartans indeed soon violated this treaty, but more to their own advantage than to that of the Athenians; for the Grecians still sided with Sparta. It was not until after Olymp. 100. 3, that the Athenians by means of a fortunate combination of events, and a prudent and disinterested policy, were enabled for a time to re-establish their power; a question concerning which I will, agreeably to my object, subjoin only a short account: for an accurate enumeration of all the facts connected with the Athenian confederacy, could only be expected from a detailed history of Greece. Athens having in the above-mentioned year, in the Archonship of Nausinicus, made the noblest exertions in order to support Thebes against the power of Sparta, and to liberate the Cadmea from its foreign garrison, and the plans of the Spartans having miscarried; in Olymp. 100. $\frac{3}{4}$, Byzantium, Chios, Mytilene, and Rhodes, revolted to Athens[479], and a new confederacy was formed, which gradually obtained fresh numbers. The whole of Eubœa, with the exception of Histiæa, which remained true to the Spartans, came over to the Athenians[490]; Chabrias subdued Peparethos, Sciathos, and other small islands[481]; the sea-fight of Naxos, which was gained by the same general (Olymp. 100. 4.) decided the maritime supremacy of Athens, while the Spartans were at the same

[478] Andoc. de Pace p. 96. cf. p. 107.
[479] Diod. XV. 28.
[480] Diod. XV. 30.
[481] Diod. ibid.

time unsuccessful by land[482]. The Athenians soon re-established themselves more firmly in Thrace, after the taking of Abdera; although the powerful State of Olynthus belonged to Lacedæmon; and to the west their power extended as far as Corcyra; the peace concluded between the States of Greece in Olymp. 101. 2. through the mediation of Artaxerxes, by which the independence of all the allies was again ensured, remained inoperative. The Spartans even after the taking of Corcyra and the victory of Timotheus at Leucas, ceded to the Athenians the entire ascendancy (ἡγεμονία) by sea. The peace of Olymp. 102. 2. together with the subsequent battle of Leuctra, shattered still more the strength of the Spartans; and in Olymp. 102. 4. they yielded to the Athenians an equal share in the sovereignty by sea and land[483]. The taking of Torone and Potidæa, which ensued in Olymp. 104. 1.[484] gave to Athens a great preponderance in Thrace. Thus the power of Athens again extended from the Thracian Bosporus to Rhodes, and from thence over the islands and some part of the cities upon the main-land. The merit of having so greatly raised and benefited their country chiefly belongs to the generals, Chabrias, Iphicrates, Timotheus the son of Conon, and the orator Callistratus. Timotheus in particular obtained great celebrity both by his military conduct, and by his dexterity in acquiring allies[485]; for he even added the Epirots, the Acarnanians,

[482] Diod. XV. 35. and his commentators.

[483] Diod. XV. 38. Nepos Timoth. 2. Isocrat. de Antidosi p. 69, ed. Orell. Concerning the treaty in Olymp. 102. 4. see Xenoph. Hellen. VII. 1. Diod. XV. 67.

[484] Diod. XV. 81. and the commentators.

[485] The most important passages are Xenoph. Hell. V. 4. 64 sqq. Diod. XV. 36, 47 sqq. and Nepos.

and the Chaonians, although these nations were doubtless under no obligation to pay a tribute[486]; it is stated to have been owing to his measures, that a confederate council was held at Athens composed of twenty-five independent States[487]. His fame was enhanced by the eloquence of Isocrates, who, as Polybius and Panætius followed the fortunes of Scipio, accompanied him as a friend in his campaigns, and wrote his official letters and dispatches to the Athenians: the statue of this orator had also been offered up in the temple at Eleusis by Timotheus[488]. The newly discovered part of the oration concerning the Exchange[489], raises a monument to the memory of this unfortunate warrior, by which the reader is in some measure recompensed for the great tediousness of the remainder. After his time no general ever made such important conquests as Timotheus, who subdued no fewer than twenty-four cities of sufficient importance to deliver the whole neighbouring country into the power of the Athenians, among which Corcyra, Samos, Sestos, Crithote, Potidæa, and Torone are particularly mentioned by Isocrates: Corcyra at that time had still a naval force of eighty triremes. He also recalled the attention of the Athenians to the Chersonese, which they had latterly neglected. Yet amidst all these conquests he was lenient towards the allies, and even to enemies and prisoners; the discipline which he maintained among his troops was exemplary; and while he bore the chief command, nothing was known

[486] Nepos and Diodorus.

[487] Æschin. de fals. Leg. p. 247. Diodorus (XV. 30.) incorrectly states that the number was 70.

[488] Vit. Dec. Orat. pp. 237, 241.

[489] P. 66 sqq. ed. Orell.

of banishments, of massacres, or expulsions of the inhabitants, of the dissolutions of governments, or the devastation of cities.

The new alliance of the Athenians, as it existed after Olymp. 100. 4. was at first founded upon milder principles than the ancient confederacy. Those States which were by treaty independent, formed a confederate council at Athens (συνέδριον)[490], in which they had a seat and vote without any distinction, under the presidency and guidance of Athens: Thebes was also admitted to this congress. The name of Synedrion, which had obtained general notoriety through the influence of the Macedonian government, was unquestionably not used in this instance for the first time. Herodotus[491] indeed employs it in speaking of a confederate council of war; and although it may have been in accordance with the custom of later times that Diodorus[492] applies this term to the ancient council of the Athenian alliance, it is nevertheless certain that the council of Amphictyons and other confederate assemblies[493], and even the Areopagus and the courts, were generally so called in the age of Demosthenes. The Athenians immediately abolished their Cleruchiæ upon the establishment of this council, and passed a law prohibiting all Athenians from the cultivation of any land out of Attica[494], wishing

[490] Diod. XV. 28.

[491] VIII. 75, 79.

[492] XI. 70.

[493] Cf. Demosth. de Corona p. 232. 19. Æschin. in Ctesiph. p. 445, 446. p. 513. p. 645. and elsewhere frequently. For the expression used I may also quote Lex. Seg. p. 302. Σύνεδροι: οἱ ἀπὸ τῶν συμμάχων μετὰ τῶν Ἀθηναίων βουλευόμενοι περὶ τῶν πραγμάτων. [See Müller *Prolegomena zur Mythologie p.* 406.]

[494] Diod. XV. 29.

by this measure to shew the allies how greatly they repented of their former injustice. The tributes were also again introduced; but the Athenians, in order to soften this odious name, now called them contributions (συντάξεις)[495]; the merit of which invention belonged to Callistratus: hence it is manifest that this was the period at which he first came into power; for in Olymp. 100. 4. this orator filled the situation of general together with Timotheus and Chabrias[496], and subsequently also (Olymp. 101. 4.) together with Chabrias and Iphicrates, not so much on account of his military qualities as of his political dexterity[497], which at this time was an essential requisite in a general. The leniency of the Athenians was not however of long duration, and the allies, with the exception of Thebes, whose connexion with Athens was altogether voluntary, relapsed into their former oppressed condition; the Athenians distributed garrisons among the several cities, and the tribute was again made compulsory. For this reason it was again known by its ancient name (φόρος), which occurs in some writers[498]: Isocrates expressly remarks[499] that the Athenians forced

[495] Plutarch. Solon. 15. Harpocrat. Phot. in v. σύνταξις, cf. Lex. Seg. p. 300. also Spanheim ad Julian. I. p. 166.

[496] Diod. XV. 29.

[497] Xenoph. Hellen. VI. 3. ad fin. who calls him εὖ μάλα ἐπιτήδειον ὄντα, as it should evidently be written.

[498] Ælian Hist. Var. II. 10. uses this word in a story relating to the time of Timotheus. Isocrates Panath. 44. joins συντάξεις καὶ φόρους. The συντάξεις frequently occur in other places in Isocrates, Areopag, I. de Antid. p. 70. ed. Orell. where he mentions the συντάξεις τὰς ἀπὸ Θρᾴκης in the time of Timotheus, and elsewhere. Concerning the garrisons see Isocrat. Συμμαχ. 6.

[499] Συμμαχ. 11. which oration falls about the end of the Social war.

the allied cities to pay contributions (συντάξεις), which were as in ancient times collected by fleets sent out for the purpose [500], and also to send representatives to the council at Athens; the limits of their independence must therefore have been very confined. The Athenians also appear to have fixed the tributes arbitrarily, even in the later times, when their power had undergone a great diminution: to which point a very obscure passage in the oration against Theocrines refers. It is probable that some of the allies remonstrated on the severity of their burdens, and that this was the object of the decree, which Automedon proposed in favour of the inhabitants of Tenedos, and which Theocrines attempted to overthrow in its first stage, on the plea that it was contrary to law. A similar decree was carried by Thucydides in favour of the Ænians in Thrace, who continued to pay a tribute down to the times of Philip from the period of the Peloponnesian war. This law of Charinus and Theocrines which referred to the contribution (σύνταξις) being also attacked as illegal, and having been in consequence rejected by the people, the Ænians were forced to pay the same amount of tribute as they had formerly given to Chares, on which account they revolted and took in a garrison of barbarians [501]. It is to these later tributes that the oration of Jason in Xenophon refers [502], where

[500] Plutarch. Phot. 7. This account of the νησιωτικαὶ συντάξεις belongs to the times of Chabrias.

[501] Orat. in Theocrin. pp. 1333, 1334. where the words ὁ Θουκυδίδης εἶπε should be restored, and Αἰνίους should be written with Taylor for ἰνίους, the reading of the manuscripts. Concerning the tributary condition of the Ænians as well as the Tenedians in earlier times, see Thucyd. VII. 57.

[502] Hellen. V. I. 4. Καὶ χρήμασί γε δήπου εἰκὸς ἡμᾶς ἀφθονωτέροις

no notice is taken of the new appellation, although subsequently allusion is made to the ancient name; and thus it is better to refer to the time of the new imposts (between the 100th and 105th Olympiads) the statement of Xenophon in his Essay upon the State of Athens[503], that the tributes were generally fixed every four years, although the new expression is not made use of; for we have no evidence that before the Anarchy the tributes were fixed every four years. It is indeed upon the whole more probable that the assessment of Aristides remained in force until the 89th Olympiad, and that shortly afterwards the tributes were abolished and a custom-duty levied in their place: so that there would be difficulties in referring this passage to the ancient tribute. It is also highly probable that the compulsory jurisdiction, which is mentioned in that Essay, was again forced upon the allies by the growing strength and insolence of the Athenians, this being the only means by which Athens could ensure the adherence of the allied States. Nor can our supposition be denied upon the authority of Isocrates, who in the Panathenaic oration mentions the compulsory attendance of the allies at Athens for the decision of their law-suits among the ancient misdeeds of the Athenians[504]: for this speech was composed at a very

χρῆσθαι (i. e. compared with the Athenians) μὴ εἰς νησύδρια ἀποβλέποντας, ἀλλ' ἠπειρωτικὰ ἔθνη καρπουμένους. πάντα γὰρ δήπου τὰ κύκλῳ φόρον φέρει, ὅταν ταγύηται τὰ κατὰ Θετταλίαν.

[503] 3. 5. πλὴν αἱ τάξεις τοῦ φόρου· τοῦτο δὲ γίγνεται ὡς τὰ πολλὰ δι' ἴτους πέμπτου. The expression φόρος also occurs there in chap. 2. 1.

[504] Chap. 23, 24. τάς τε δίκας καὶ τὰς κρίσεις τὰς ἐνθάδε γιγνομένας τοῖς συμμάχοις, and afterwards, οἷον καὶ νῦν, ἢν μνησθῶσι τῶν ἀγώνων τῶν τοῖς συμμάχοις ἐνθάδε γενομένων, τίς ἐστιν οὕτως ἀφυὴς, ὅστις οὐχ εὑρήσει πρὸς τοῦτ' ἀντειπεῖν, ὅτι πλείους Λακεδαιμόνιοι τῶν Ἑλλήνων ἀκρίτους ἀπεκτόνασι τῶν παρ' ἡμῖν, ἐξ οὗ τὴν πόλιν οἰκοῦμεν, εἰς ἀγῶνα καὶ κρίσιν καταστάντων.

late period (about Olymp. 109. 2.), at which time the prohibition of justice to the allied States, even if we suppose that it was again introduced after the battle of Cnidos and the 100th Olympiad, might have been spoken of as an ancient occurrence, if, as appears probable, it was abolished in the peace of Olymp. 106. 1.

Whatever may have been the arrangement with regard to this particular point, it is evident from the consequences which ensued that the allies were deprived of their independence, and that this was replaced by an intolerable yoke, which the subject States soon endeavoured to shake off. In Olymp. 104. 1. Chios, Byzantium, and Rhodes, had entered into correspondence with Epaminondas[505]; at length, in Olymp. 105. 3. they formally revolted, together with the Coans, who had rebelled in Olymp. 103. 3.[506]; Byzantium even attempted to obtain a separate ascendancy, and after the Social war was still in possession of Chalcedon and Selymbria, both which towns were once under the dominion of Athens: and according to the conditions of the treaty, the one was to belong to the King, and the other to be independent[507]. This war, which lasted until Olymp. 106. 1., ruined the finances of Athens by its enormous expences, the loss of the tributes, and the desolation of the Athenian islands, and ended with the independence of the revolted States. During this war several Thracian allies were also lost, of which some became independent, as Amphipolis, and some were taken away from Athens by Philip, such as the cities of Pydna and

[505] Diod. XV. 79. and there Wesseling.
[506] Diod. XV. 76.
[507] Demosth. de Libert. Rhod. p. 198.

Potidæa, which were given to the Olynthians. Thus the revenues received from the tributes were necessarily much diminished at the breaking out of the Sacred war (Olymp. 106. 2.). The cities of Eubœa were afterwards detached from the Athenian alliance by the Macedonians; the remaining possessions in Thrace and in the Chersonese were taken, the State gradually lost the seventy-five cities which had been combined by Timotheus into the confederate council, together with 150 ships, and large sums of money [508]. Athens however up to the period of her complete downfal was never entirely destitute of allies: although in latter times she was unable either to protect them or to assert her own rights. Even pirates disputed for possession with the Athenians; and the contest was no longer confined to the independent States, but extended to the islands which had been the peculiar property of Athens, since Philip attacked even Lemnos, Imbros, and Scyros [509].

Concerning the amount of the tributes in the times which succeeded the breaking out of the Social war, our knowledge is most imperfect. Without dwelling upon the erroneous statement, that in the time of Lycurgus they still amounted to 1200 talents, we may notice their inconsiderable amount at the time when after the Social war, and at the end of the 106th Olympiad, Demosthenes came forward against Philip. At that time none but the weakest islands were attached to Athens, not Chios, or Rhodes, or Corcyra; the whole contribution (σύνταξις) amounted only to 45 talents, and even this small sum was raised in advance [510]. Demosthenes succeeded in acquiring

[508] Æschin. de Fals. Leg. p. 247.
[509] Æschin. de Fals. Leg. p. 251.
[510] Demosth. de Corona p. 305.

more powerful allies, the Eubœans, Achæans, Corinthians, Thebans, Megarians, Leucadians, and Corcyræans; the contributions of the States must however have been less compulsory than they had been in more ancient times. Æschines speaks of the unfortunate islanders, who at the time of Chares were forced to pay a yearly contribution (σύνταξις) of sixty talents[511]. It is possible that these payments subsequently rose to 130 or even to 400 talents; although this fact does not admit of proof, and can only be assumed for the purpose of explaining a passage in the fourth Philippic, of which I will presently speak[512]. From this also we might explain the credit which Demosthenes obtained, for having procured from the allies contributions (σύνταξεις χρημάτων) of more than 500 talents. Of the respective allotments we know nothing, except that, in the time of Philip, Eretria and Oreus in Eubœa paid five talents, each under the name of contribution, which, according to the account of Æschines, were lost through the fault of Demosthenes. This orator[513] states, upon the authority of a report of Callias the Chalcidean, which he himself disbelieved, that an Eubœan council (συνέδριον) existed at Chalcis, which produced a contribution (σύνταξις) of 40 talents; and also another of all the Achæans and Megarians, which supplied a contribution of 60 talents;

[511] Æschin. de Fals. Leg. p. 250.

[512] See chap. 19. Concerning Demosthenes see the decree after the Lives of the Ten Orators, p. 276.

[513] In Ctesiph. pp. 482—497. At the conclusion of this subject I may remark that the passage of Hyperides in the Delian oration in Harpocration in v. σύνταξις: Σύνταξιν ἐν τῷ παρόντι οὐδενὶ διδόντες, ἡμεῖς δέ ποτε ἠξιώσαμεν λαβεῖν, is not to be understood of all the allies, but probably only refers to the Delians, who were independent at the time when that oration was composed.

that the same Callias had also stated that many other States were preparing for war, and that they all wished to form themselves at Athens into a common confederate council, and take the field against Macedon, under the command of Athens. He proceeds to mention, that in consequence of these proceedings the Athenians, at the instigation of Demosthenes, had remitted the contribution to the Eretrians and the Oreitans, in order that both States might contribute to the Eubœan council at Chalcis, while Chalcis itself should cease to belong to the allied council of Athens, and pay to it any contribution; that by this means Callias had wished to make Eubœa independent, and had therefore urged the formation of the council at Chalcis; but that Demosthenes, having been bribed to support this measure, received three talents, one from Chalcis through the hands of Callias, and one from each of the other two cities. As the amount of the sums contributed was so considerable, it is quite possible that the receipts may at that time have equalled several hundred talents.

(18.) I have as yet intentionally omitted a subject which is essential to the consideration of the state of the Athenian alliance, and which by reason of its influence upon the national wealth should on no account be wanting in a history of the public economy of Athens; I mean the Athenian Cleruchiæ, in the consideration of which, I shall only touch upon some of those points which have escaped the observation of others, in the hope that some future writer will carry on the investigation. It was always considered as a right of conquest to divide the lands of the conquered people into lots or freehold estates (κλῆροι); in this manner the Grecians peopled many cities and countries which had previously been in the possession of Barbarians; thus, for example, Athens colonized Amphipolis, which

she took from the Edoni. But this species of Cleruchiæ had never any appearance of singularity or harshness, because none but Barbarians, who seemed born for slavery, were injured by it. This system of colonizing was more rare between Greeks and Greeks. The principal example is afforded by the Dorians, who, on the return of the Heraclidæ into the Peloponnese, expelled the majority of the ancient inhabitants, and took possession of their property, to which they had no other right than that which was obtained by conquest. In like manner also the Thessalian Knights appropriated to themselves the lands of the ancient inhabitants, the Penestæ; who became their bondsmen, and the tenants in fee of their property: and again in Crete and Lacedæmon the right of conquest had introduced an analogous relation between the citizens and the Clarotæ, Messenians and Helots, and in Rome between the Patrons and the Clients. In this case the proprietors of the new estates were no other than Cleruchi, and their possession was a Cleruchia[514]; and it would be unjust to the Athenians, if we reproached them with the invention of this practice, which is to be considered rather as a remnant of the barbarous treatment of conquered enemies which prevailed in early times; although it appears more unnatural at a period when mankind had ceased to wander about in large bodies, and had adopted some settled habitation, and also when the severity was exercised towards nations of the same race. In other respects this practice differed so little from the establishment of other colonies, that Polybius, Dionysius, and others, call the Roman colonists Cleruchi. All motives of

[514] Concerning the different terms see Harpocrat. Phot. Suid. Lex. Seg. p. 267. &c.

revenge and hatred against enemies being left out of the question, it may be said that superfluity of population and excessive poverty of the citizens were the immediate inducements which caused Athens to retain this ancient practice of conquerors. In later times however, when the system of the Athenian alliance had taken a settled form, reasons of state-policy were added to these inducements. The distribution of the land was employed as a caution against, and penalty for, revolt; and the Athenians perceived that there was no cheaper or better method of maintaining the supremacy, as Machiavelli has most justly remarked, than the establishment of colonies, which would be compelled to exert themselves for their own interest to retain possession of the conquered countries: but in this calculation they were so blinded by passion and avarice, as to fail to perceive that their measures excited a lasting hatred against the oppressors; from the consequences of which oversight Athens severely suffered. Isocrates[515] truly says that the Athenians established Cleruchi in the desolated towns for the purpose of custody; but he forgets to mention that the Athenians had themselves been the authors of their desolation; and no one will suppose that they were actuated in those proceedings by disinterested motives. Or are we to call it disinterestedness when one State endows its poor citizens with lands at the cost of another? Now it was of this class of persons that the settlers were chiefly composed, and the State provided them with arms, and defrayed the expences of their journey[516]. It is nevertheless true, that the lands were distributed by lot among a fixed number of citizens[517]: the principle of

[515] Panegyr. p. 85. ed. Hall.

[516] Liban. Argum. ad Demosth. de Chersoneso.

[517] Thucyd. III. 50. Plutarch. Pericl. 34.

division doubtless was, that all who wished to partake in the adventure applied voluntarily, and it was then determined by lot who should and who should not receive a share. If any wealthy person wished to go out as a fellow-speculator, full liberty must necessarily have been granted to him. The profitableness of the concern forbids us to imagine that all the citizens cast lots, and that those upon whom the chance fell were compelled to become Cleruchi.

With regard to the first introduction of the Athenian Cleruchiæ, it may be observed, that the earliest instance occurs before the Persian wars, when the lands of the Knights (ἱπποβόται) of Chalcis in Bœotia were given to 4000 Athenian citizens, other estates being at the same time retained for the gods and the State [518]. In the Peloponnesian war however Chalcis had ceased to be a State of Cleruchi, for it is mentioned among the tributary allies, separately from the Athenian colonies [519]. In what relation the ancient Cleruchi stood to the natives, and whether the latter (who were partly common people, and partly descendants of the Knights formerly liberated by the Athenians for a ransom) shared the governing power with the Athenian Cleruchi, or whether the Cleruchi, who returned to the main-land upon the Persian attack of Eretria, were not restored to their Cleruchiæ, are questions which I shall not attempt to determine. The next case of this kind was the enslaving of the Dolopes and Pelasgi of Scyros, in the time of Cimon, when the island

[518] Herod. V. 77. VI. 100. Ælian. Hist. Var. VI. 1. where the text is corrupt; for in Herodotus it is evident that no alteration can be made.

[519] Thucyd. VII. 57. cf. VI. 76.

was settled with Cleruchi[520]: in like manner the islands of Lemnos and Imbros belonged to the Athenians. The distribution of lands was of most frequent occurrence after the administration of Pericles. Pericles himself and his successors, Alcibiades, Cleon, and other statesmen, employed it as a means of appeasing the needy citizens[521]; and the fondness of the common Athenians for this measure may be seen from the example of Strepsiades in the Clouds of Aristophanes, who, on the mention of the word Geometry, is instantly reminded of measuring out the lands of Cleruchi[522]. Thus in Olymp. 83. 4. Histiæa in Eubœa was given to Cleruchi[523], and at a later period Potidæa, the inhabitants of which were expelled: the same course was also followed with Ægina, at the breaking out of the Peloponnesian war, and the Dorian people were ejected[524]. Delos was indeed again depopulated, but not entirely surrendered to the Athenians until a subsequent period, when it had become nearly desolate. Lesbos however they divided, with the exception of Methymna, after the revolt of the Mytileneans: at Scione the adult men were murdered, the women and children made slaves, and the Platæans were established in possession of the city, as being Athenian citizens destitute of

[520] Thuc. I. 98. Diod. XI. 60. Nepos Cimon. 2.

[521] Plutarch. ubi sup. Cf. Aristoph. Vesp. 714.

[522] Nub. 203. and the Scholiast, with the notes of the Commentators.

[523] Thuc. I. 114. cf. VII. 57. Diod. XII. 22.

[524] Thuc. II. 27. Diod. XII. 44. [From a calculation founded upon the amount of Diobelia the author conjectures (Inscript. t. I. p. 227.) that the colonists of Ægina were about 1400 or 1500.]

land[525]: the Melians were also reduced to slavery, and their property granted to Cleruchi[526]. Many other Cleruchi were also sent out upon the instigation of Pericles. This statesman sent 1000 men to the Chersonese, 500 to to Naxos, 250 to Andros, 1000 to Thrace, without reckoning those that went to Ægina, Thurii, and other places[527]. In Eubœa, from which, on account of its proximity to Attica, the greatest advantages were reasonably expected, they manifestly seized upon much land[528]; hence Æschines[529] asserts, that at the time which immediately succeeded the peace of Nicias, Athens was in possession of the Chersonese, Naxos, and Eubœa; of the latter island more than two-thirds, as Andocides attests in his oration concerning Peace[530]. There can be no doubt that all the Cleruchiæ were lost by the battle of Ægospotamos[531]; but as soon as they had sufficient power, the Athenians established new colonies. In the 100th Olympiad the odium which they incurred on account of these settlements was still so great, that they recalled them[532]: but the law which prohibited any Athenian from possessing landed property out of Attica did not long remain in force.

[525] Thuc. V. 32. Diod. XII. 76. Cf. Isocrat. Panegyr. pp. 85, 86.

[526] Thucyd. V. ad fin.

[527] Plutarch. Pericl. 11.

[528] Cf. Schol. Aristoph. Nub. 314. Demosth. Lept. 95. and there Wolf. Morus ad Isocrat. Paneg. 31.

[529] De Fals. Leg. p. 337.

[530] P. 93. Here actual possession, and not subjection only, is meant, as is evident from the circumstances of the case. Comp. also Aristoph. Vesp. 714.

[531] Cf. Xenoph. Mem. Socrat. II. 7. 8.

[532] Diod. XV. 23, 29.

Demosthenes speaks of Cleruchian property in the 106th Olympiad[533]. In Olymp. 106. 4. they again sent Cleruchi to the Chersonese, who were admitted by some cities; the Cardiani however excluded them[534]. Samos was in Olymp. 107. 1. settled with 2000 Cleruchi[535], not without the disapprobation of those who were under the influence of better principles[536].

What however was the relation which the States of the Cleruchi bore to Athens? Did the Cleruchi remain Athenian citizens, and if they did, were they at the same time citizens of a community composed of the Cleruchi? If this was the case, are they to be considered as Athenian allies? and if so, in what manner, whether dependent or independent? Of these questions some can only be answered by conjecture. That the Cleruchi remained Athenian citizens cannot be a matter of any doubt, whether we look to the views of Athens in the establishment of Cle-

[533] In his speech concerning the Symmoriæ.

[534] Demosth. de Cherson. p. 91. 15. Philipp. Epist. ap. Demosth. p. 163. 5. Diod. XVI. 34. Liban. Argum. in Orat. de Cherson.

[535] Strab. XIV. p. 439. Heraclid. Fragm. de Repub. 10. where Köhler's long note contains nothing, Diog. Laert. X. 1. Diod. XVIII. 8. Æschin. in Timarch. p. 78. Zenob. II. 28. For the date I follow the statement of Philochorus (*ap. Dionys. in Vit. Pinarch. p.* 118. *ed. Sylb.*) in preference to the Scholiast of Æschines (*p.* 731. *vol.* III. *ed. Reisk.*) who states that it was in the Archonship of Nicophemus (Olymp. 104. 4.). Diodorus XVIII. 18. does not agree with either, as he reckons 43 years from the expulsion of the Samians until their restoration by Perdiccas in Olymp. 114. 2. There is however unquestionably some error in this passage, which has been well examined by Wesseling.

[536] Aristot. Rhet. II. 6.

ruchi, or to the reasons by which individuals could be actuated in accepting Cleruchiæ. The only objects which Athens could have had, were either to enrich the poor citizens, or to maintain important stations or countries for its own advantage. But if the Cleruchi had ceased to be citizens of Athens, the benefit received by the parent State would have been lost. These establishments of Cleruchi would in that case have become mere colonies, unconnected with Athens by any close relation, analogously to the Ionians in Asia Minor and the islands, who, although they had proceeded from Attica, soon broke off all connection with the mother-country. And who would have sacrificed his rights of citizenship, which were so highly prized by the Greeks, for the possession of an estate, if he was moreover exposed to the risk, in case the former proprietors were reinstated either by war or treaty, of being left not only without property, but even without a country? Æschines speaks of a person who had gone with the Cleruchi to Samos, as if he were merely an absent Athenian; and Demosthenes includes the property of the Cleruchi among that of Attica. Aristophanes the poet possessed an estate in Ægina, during the time that he was an Athenian citizen[537]: Aristarchus, a person mentioned in Xenophon, who was a citizen and a house-proprietor at Athens, and whose estates had fallen into the hands of the enemy, was both a citizen and a Cleruchus; as also Eutherus, who had lost his foreign estates, and complains that his father had not even left him any

[537] Aristoph. Acharn. 652. according to the correct interpretation of one Scholiast. Cf. Aristoph. Vit. p. 14. The Callistratus mentioned by the other Scholiast, who also possessed a portion of land in Ægina, cannot be meant in this passage.

thing in Attica[538]. Demosthenes also appears to consider the inhabitants of Lemnos and Imbros as Athenian citizens[539]; and although Aristophon the father of Plato went as a Cleruchus to Ægina, and Plato himself was born there (Olymp. 87. 3.); although Neocles the father of Epicurus settled in Samos with the Cleruchi[540], and his son was educated in that island; it is nevertheless certain that Plato and Epicurus were, as well as their fathers, Athenian citizens, the former belonging to the borough Collyttus, the latter to the borough Gargettus, and that after their return, they were considered as natives equally with citizens born in Attica.

But, notwithstanding this privilege of the Cleruchi, in the States which were exclusively possessed by them they composed a separate community: this fact might indeed have been inferred solely from the general policy of the Greeks, according to which the inhabitants of each place formed themselves into a separate community, administering its own government. Again, as the Cleruchiæ must be considered as identical with colonies (with this one exception, that they were more nearly dependant upon the mother-country than the more ancient settlements), it was indispensable that they should compose a separate State: hence they are called by a new appellation, as Amphipolitans, Istiæans, Chalcideans, Æginetans[541]; although

[538] See the passages of Æschines, Demosthenes, and Xenophon, in notes 535, 533, 531.

[539] Demosth. Philip. I. p. 49. 26.

[540] Phavorin. ap. Diogen. Laert. III. 2. Heraclid. ap. eund. X. 1.

[541] Thucyd. IV. 104. VII. 47. Herod. VIII. 1. 46. Pausan. V. 23. The Athenians in Delos in later times indeed called themselves "the People of the Athenians in Delos;" but from

they are sometimes also called Athenians; for by the international law of Greece it was permitted that one person should at the same time be a citizen of several States, and even all the citizens of one State frequently received the rights of citizenship in another.

It sometimes however happened that the Cleruchi, as was the case in Mytilene, did not personally occupy the property, but held it as landlords. In this case then are we to imagine that they composed a separate colony? After the revolt and reconquest of Mytilene, more than 1000 of the chief persons were executed, the small cities of the Mytileneans were separated from Lesbos, and reduced to the condition of subject allies of Athens. No tribute was however imposed upon the Mytileneans themselves, but the country was divided into 3000 lots, of which 300 were reserved as tithes for the gods, and the others were given to the Cleruchi who were sent to Lesbos: the cultivation of the land was then permitted to the Lesbians themselves, in consideration of a rent of two minas for each lot[542]. Now although Thucydides undoubtedly states that the Cleruchi were sent thither, it is impossible to believe that 2700 Athenians remained in this island, as in that case the whole country would hardly have been granted in lease to the Lesbians. There can be no doubt that many Athenians returned home; but a part of the settlers must have stayed behind as a garrison, and probably these, together with the former inhabitants, composed the commonwealth.

a period so recent no conclusion can be drawn which will apply to earlier times. See chap. 16. note 430.

[542] Thucyd. III. 50. Antiphon de Herod. Cædé p. 744. Concerning the towns upon the main-land see Strab. XIII. p. 412. and there Casaubon, Thuc. IV. 52. Herod. V. 94 sqq.

Lastly, from the nature of the States of Cleruchi it may be inferred, that although their citizens were also citizens of Athens, they nevertheless remained in the most entire dependence upon the mother-country. In the first place the religious institutions of the Cleruchi were, as well as their priests, connected with those of Athens, the religion of all colonies having originally derived from the mother-State. Again, there was no obstacle which could prevent the government of Athens from retaining large estates in those countries as public property, either as consecrated to the gods, as in Chalcis and Lesbos, or as the peculiar possession of the Athenian State, as was the case in Chalcis, and probably with the Thracian mines[543]. A state of such colonists was evidently debarred from the privilege of maintaining a separate military force, in which respect it must have been wholly dependant upon Athens. Hence we find that the Chalcidean Cleruchi had no vessels of their own at Artemisium and Salamis, but they manned twenty Athenian triremes[544], for which the 4000 Cleruchi were exactly sufficient; and they received from Athens instructions for military undertakings[545]. Their generals were doubtless nominated by Athens; and although perhaps they had the privilege of appointing to many public offices, they were yet subject to the control of inspectors sent from Athens, and indeed in many other colonies the mother-State had the right of nominating to certain situations. It must also have been considered by the Cleruchi as a right allowed to them and not as an obligation, that they were under the jurisdiction of the Athenian courts; for other-

[543] See book III. 2. and 3.

[544] Herod. ubi sup.

[545] Herod. VI. 100.

wise the Cleruchus would have renounced an essential privilege of the Athenian citizen. And what we have already said upon the authority of Antiphon concerning the limited jurisdiction of the Mytileneans after their revolt, proves that the supreme jurisdiction in the States of the Cleruchi belonged to Athens, and extended not to the Cleruchi only, but also to the ancient inhabitants, who might in the first instance have resorted to courts of the Athenian Cleruchi. In this manner such States as we have been speaking of fell (although by a path wholly different) into a state of dependence equally degraded with that of the subject allies, with this difference only, that they were inhabited by citizens, who would have been entitled to exercise all the rights of citizenship in Athens itself. The only point as to which any doubt can exist is, whether or not they paid a tribute? Thucydides is silent with regard to these colonies, although in speaking of the other States he invariably mentions whether they paid a tribute or furnished a military force. The Cleruchi, as being Athenian citizens, must necessarily have performed military service for their country: but it is nevertheless possible that particular States were also subject to the payment of a tribute, which perhaps arose from the transfer of the obligations, together with the transfer of the property which had belonged to the former inhabitants. Mytilene before its revolt paid no tribute; from which, as is manifest, the Cleruchi were equally exempt; for Thucydides, having expressly stated that no tribute had been imposed upon the Lesbians, would not have omitted to mention that the Athenians were subject to this burthen. Ægina had been subject to a tribute from the 80th Olympiad; and it seems to me probable that the Cleruchi who in the 87th Olympiad were sent in the place of the

ancient inhabitants paid the same tribute. At least this enables me to comprehend why in the 93d Olympiad we should meet with an Eicostologus in Ægina; the custom-duty of a twentieth having succeeded in place of the tribute. I have already remarked, that Chalcis, which Thucydides calls a tributary state, had ceased to be a community of Cleruchi in the time of the Peloponnesian war, and therefore that city is unconnected with any discussion upon this point.

(19.) From the regular revenues, of which an account has been already given, independently of the liturgies and the extraordinary taxes, the sum of the annual income of the Athenian State might be computed, if each single item could be determined for the different periods. But as this is not in every case possible, we must be contented with collecting and passing judgment upon the few statements which the ancients furnish us with. I do not stay to consider the absurd assertion made by Petit, Salmasius, Meursius, and others, that the revenue of Athens amounted to 6000 talents a year, but shall immediately turn to the statement of Xenophon, who informs us that on the breaking out of the Peloponnesian war not less than 1000 talents were received from domestic and from foreign sources, i. e. from the allies[546]. Xenophon evidently considers this sum as extraordinarily large; and if we reckon the tributes at 600 talents, which was their amount at that period, 400 talents remain for the domestic revenue, which corresponds sufficiently well with the resources of the country, and with the necessary regular expences. The account of the historian is however contradicted by the poet Aristophanes, who in the comedy of the Wasps[547]

[546] Cyr. Exped. VII. 1. 27.

[547] Vs. 657 sqq.

(Olymp. 89. 2.) estimates the sum total of all the revenues at nearly 2000 talents, excluding however the liturgies which were not paid into any public fund. Aristophanes indeed reckons many things which Xenophon perhaps might pass over, such as justice-fees and fines, together with the proceeds of confiscated property. This however is not sufficient to occasion so large a difference in the statements, nor can it be supposed that Aristophanes would have made any gross exaggeration. Nothing therefore remains but to suppose that the enhancement of the tributes, which is mentioned in the orators as if it had been a consequence of the peace of Nicias, had in fact taken place a short time before, that is to say, about Olymp. 89. 1. or 2. If the increased tribute, as has been already shewn, alone amounted to 1200 talents, and if we add the items which Xenophon, as has been said, perhaps omitted, the sum obtained would be about 1800 talents. How great must have been the falling off in this large amount of revenue, when the ascendancy of Athens no longer existed, it is superfluous to point out. After the battle of Ægospotamos all payment of tribute ceased, the traffic was inconsiderable, many houses in Athens were unoccupied, the State was unable to pay off the smallest debts, and was forced to submit to reprisals from the Bœotians for the sake of a few talents. We have not however any determinate statements until the time of Lycurgus, excepting in the fourth Philippic, which, although not the production of Demosthenes, ought not therefore to be neglected; for definite statements must have some foundation even in a spurious oration. "It was once our case," we are there told [548], "and that not long ago, to be

[548] P. 41. 9.

possessed of a public revenue which did not exceed 130 talents;" and the orator presently adds, that good fortune had afterwards increased the public income, and that the receipts amounted to 400 instead of 100 talents. It is hardly conceivable that the national income should ever have sunk so low as 130 talents, especially as Lycurgus in the age of Demosthenes is stated to have again succeeded in raising it to 1200 talents. It is however possible that the author of this speech had some passage before him, which he misunderstood, and in which the tributes were alluded to. These payments might at one time have amounted to 130 and afterwards to 400 talents, and the latter have taken place in the time of Lycurgus; it would otherwise be incomprehensible to us by what means he could have so much augmented the revenue without the aid of considerable tributes. We must however be satisfied not to pass any decided judgment upon this subject, so many points of it being obscure, as they must always remain. Nor indeed will the statements of Demosthenes and Æschines, concerning the tributes in later times, agree with my hypothesis, unless, as is probable, they relate to other years. For what Demosthenes and Æschines say, may be referred to the time of the Social war, and then the account of the 130 talents may have reference to the years immediately following, and of the 400 talents to the time beginning in Olymp. 109. 4. or Olymp. 110. 1. the date assumed by the author of the fourth Philippic for its composition. The revenue appears to have suffered the greatest falling off in the 105th and 106th Olympiads[549], from the conjoint cause of the defection of the allies, and the interruption of trade. It

[549] See Demosth. in Leptin. §. 21. 95. spoken in Olymp. 106. 2.

is to this latter evil that Xenophon alludes in his Essay on the Revenues[550], when he complains of the failure of several branches of the public income in time of war. According to Isocrates[551] the Athenians were at that time in want of the common necessaries of life, and by extorting money for the payment of the mercenaries, utterly ruined their allies: so that, in his opinion, peace was the only means of recovering their prosperity, of putting an end to war-taxes and to the trierarchy, of promoting agriculture, trade, and shipping, of raising the revenues, and increasing the number of merchants, foreigners, and resident aliens, of which the State was absolutely destitute. Demosthenes[552] indeed not long afterwards (Olymp. 106. 3.) estimates the wealth of Athens as nearly equal to that of all the other States; but in this comparison he refers only to the national wealth, and not to the public revenue.

The orator Lycurgus appears to have been the only one amongst the statesmen of ancient times who had a real knowledge of the management of finance. He was a man of the strictest integrity, and so hardy that he went barefoot, after the manner of Socrates; at the same time judicious, active, economical without parsimony, in all respects of a noble disposition, and so inflexibly just, that he was more willing to give than to take: thus we are told, that he bestowed a talent upon a sycophant, to prevent an accusation being laid against his wife, for the transgression of a law passed by himself; although it is true that he

[550] 5. 12. Concerning the time see book IV. 21.

[551] Συμμαχ. 16. written in Olymp. 106. 1.

[552] De Symmor. p. 185. 2.

thus deprived the State of a fine[553]. Although the administration of finance engaged the largest share of his attention, he also attended to other public duties, and in the latter part of his life to foreign affairs[554]. The public revenue was under his management for three periods of five years (πενταετηρίδες)[555], that is, according to the ancient idiom, twelve years[556]: the first four years for himself, and the others under the name of another person; but in such a manner, that it was known that he was properly the manager of the public revenue. When this administration began, and when it ceased, we are not indeed informed; nor can the question be settled by the testimony of Diodorus, who mentions it as past, in speaking of the battle of Chæronea: for it is evident that he only took this opportunity of stating that Lycurgus had distinguished himself by his financial measures. I have however some reasons for supposing that he did not enter upon that office before the 109th Olympiad[557]. He passed through with honour on the several occasions when he rendered an account of his financial administration[558].

[553] Taylor ad Lycurg. p. 114. vol. IV. Reisk. The defence of Lycurgus in the assembly may be seen in Plutarch's Comparison of Nicias and Crassus, chap. 1.

[554] Pseudo-Demosth. Epist. 3.

[555] Decret. in Vit. Dec. Orat. p. 278. Vit. Lycurg. ibid. p. 250. Photius CCLXVIII. p. 1483. whose account is chiefly derived from the spurious Plutarch, and therefore will not always be quoted separately.

[556] Diod. XVI. 88. Wesseling (ad Diod. et ad Petit. Leg. Att. III. 2. 33.) assumes fifteen years, which appears to me impossible. Comp. above book II. 6.

[557] Vid. ad Inscript. VIII.

[558] Decret. ut sup. p. 279.

The loss of the accounts which he fixed up previously to his death (a fragment of which is probably still extant), of his oration concerning the administration (περὶ διοικήσεως [559]), and of his defence against Menesæchmus (ἀπολογισμὸς ὧν πεπολίτευται, ἀπολογία ὑπὲρ τῶν εὐθυνῶν [560]), in which he justified the accounts that he had set up against the attacks of his [561] adversary, and in which he entered into minute details, such, for example, as the hide-money; the loss of these documents is irreparable for the history of the Athenian finances. When the military preparations were committed to Lycurgus, he built 400 vessels, of which some were new and some old vessels repaired; provided a large store of arms, and also 50,000 darts, which were brought to the Acropolis; procured gold and silver instruments for processions, golden statues of victory, and golden ornaments for 100 Canephoræ; he also built and planted the Gymnasium in the Lyceum, founded the wrestling-school in that place, completed many unfinished works, such as the docks, the armoury, the theatre of Bacchus, the Panathenaic Course, and adorned the city with many other works of art [562]. He also raised the revenue [563] (and not the tributes, as Meursius and his followers suppose [564]) to 1200 talents. The author of the Lives of the Ten Orators adds to this statement, singularly enough,

[559] Suid. in vv. Λυκοῦργος, Ἐπικράτης, ὀχεῖον, σείριον, Harpocrat. in vv. Ἐπικράτης, ὀχεῖον, σείρινα.

[560] Concerning which see Meurs. Bibl. Att. This must not be confounded with the Eisangelia against Menesæchmus.

[561] Vit. Dec. Orat. p. 255.

[562] Decret. in Vit. Dec. Orat. Phot. ubi sup. Pausan. I. 29.

[563] Vit. Dec. Orat. p. 254.

[564] Meurs. Fort. Att. p. 55. Barthel. Anach. vol. IV. p. 331. Manso Sparta vol. II. p. 498.

that they formerly amounted to 60 talents; for which number it has been proposed by some to read 600; Meursius however prefers 460, who again refers it to the tributes, and indeed to the assessment of Aristides. It appears to me most probable, that either the ignorant compiler himself, or some commentator who wished to supply the deficiency of his author, had in his mind the 60 talents contributed by the allies, of which Æschines speaks. With regard to money stored up for future use, I am upon the whole convinced that Lycurgus did not collect any treasure. Pausanias indeed thought that he had done so, and the decree in favour of Lycurgus states that he brought much money to the Acropolis; but there can be no doubt that it was soon consumed. Distributions were made among the citizens from the surplus money, and nothing remained but what was worked up in ornaments for processions, or in works of art and sacred offerings. Of the measures which he adopted for increasing the public income we are however wholly ignorant: it should at the same time be borne in mind, that at this period, when the quantity of money in circulation was considerable, the value of 1200 talents was not so great as in the age of Pericles. On account of the extreme honesty of Lycurgus, many private individuals had confided large sums of money to his custody, which in time of need he advanced to the State without requiring any interest. In the decree it is stated that this money amounted to 650 talents, but, according to the Lives of the Ten Orators, it was only 250 talents[565]: the former is the more probable statement.

[565] The origin of this difference probably was, that it was written in the decree ⌈H H ⌈Δ⌉ τάλαντα, which the author of the Lives of the Ten Orators read as if it were H H ⌈Δ⌉. This is

The amount of all the monies, for the receipt and disbursement of which he accounted, is stated differently. The decree of Stratocles, which was brought forward in the Archonship of Anaxicrates (Olymp. 118. 2.), and to which we have so often referred, mentions 18,900 talents[566]; but in the Lives of the Ten Orators only 18,650 talents are quoted from the same source. Upon which side the error lies may appear doubtful. The passage in the Lives of the Ten Orators is however evidently interpolated by some other hand, and is therefore less worthy of credit than the text of the decree, which is the original of that statement; and it is possible that the number 650 instead of 900 arose from a confusion with the amount of money advanced by private individuals, which occurs immediately afterwards in the decree, and amounts to the very same number. The safest course therefore is to abide by the statement of the decree. The whole sum is in another place stated at only 14,000 talents[567]: this number appears however to have been arrived at by a mere process of approximation, viz. by multiplying 1200 talents, the amount of the annual receipts, by twelve, which gives 14,400 talents, and inaccurately omitting the other 400; whereas the decree of Stratocles must have been founded upon official documents, and doubtless upon the account rendered by Lycurgus himself, and fixed up in public. For it would be absurd to suppose that in so ancient a document, and one which was drawn up for the express use of the State, the number should have been ascertained

more probable than that the mistake should have been the contrary way.

[566] P. 278.

[567] Vit. Dec. Orat. p. 251. Phot. ubi sup.

by an approximate estimate, merely by multiplying 1200 talents by 15, on the assumption that Lycurgus administered the finances for fifteen years. Now it is true that the record of the decree does not agree with the account which states that in the time of Lycurgus the revenue amounted annually to 1200 talents, if, as has been assumed, he was only at the head of this department for twelve years; but since he accounted for the money of private individuals, which was afterwards repaid, the sum of the disbursements might have been considerably increased, if the money advanced was included among the payments, and afterwards the money with which these loans were replaced. The statement of Pausanias [568] on this subject is also worthy of consideration. This author, in his ambiguous Herodotean style, informs us that Lycurgus brought into the public treasure 6500 talents more than Pericles; by which he means, the whole amount of what Lycurgus had received and disbursed. According to Isocrates, the sum collected by Pericles was 8000 talents: if we suppose that Pausanias followed some more accurate authority which stated 7900 talents as the amount collected by Pericles, 14,400 talents would be the sum which he meant to say was amassed by Lycurgus, a number which would upon this hypothesis have merely been obtained by an approximate estimate, as has been remarked above. The statement of Pausanias cannot be well understood in any other manner.

Lycurgus was succeeded in the administration by his adversary Menesæchmus, and Dionysius is also stated to have been treasurer of the administration (ὁ ἐπὶ τῆς διοικήσεως) at the same period, to both of whom Dinarchus was

[568] I. 29.

opposed [569]. Demetrius Phalereus is also praised for having increased the revenue of the State [570] after Olymp. 115. 3. at a period when Athens had already sunk into comparative insignificance. Nor is it easy to determine what amount of credit should be given to Duris of Samos [571], when he states that the annual revenue of Athens amounted to 1200 talents in the time of Demetrius. In the later times of the republic the management must have been more economical, in order to carry the State through its difficulties. We are informed by a decree [572] that Democharès, the son of Laches, was the first person who curtailed the expences of the administration, and made an economical use of the current revenues. The same person also procured gifts for his country from foreigners, 30 talents from Lysimachus, and on another occasion 100 from the same person, 50 from Ptolemy, and 20 from Antipater. Thus was this once great nation forced to beg of kings.

(20.) From the overplus of the national revenue there arose in ancient times the Public Treasure, which at its first formation was exclusively, and afterward in a great measure, applied to the uses of war. It was preserved upon the Acropolis, in the posterior cell (ὀπισθόδομος) of a temple of Minerva [573]; but of what temple we are not

[569] Concerning these two see Dionysius Halicarnassensis in the Life of Dinarchus.

[570] Diog. Laert. V. 75.

[571] Ap. Athen. XII. p. 542. C.

[572] Ap. Vit. Dec. Orat. p. 276.

[573] Harpocrat. Suid. Hesych. Etymol. Phot. (twice) in v. ὀπισθόδομος. Aristoph. Plut. 1194. Orat. περὶ συντάξ. p. 170. Demosth. in Timocrat. p. 743. 1. and there Ulpian p. 822. Lucian. Tim. 53. also Lex. Seg. p. 286. although in the latter

informed. The Scholiast to the Plutus of Aristophanes assures us that it was the temple of Minerva Polias; that is to say, the threefold temple which belonged to Erectheus, Minerva, and Pandrosus. But this, according to the certain testimony of Herodotus and Pausanias, was burned down by the Persians under Xerxes; in Olymp. 92. 4. and even in Olymp. 93. 1. it had not been rebuilt [574]; and in the third year of the same Olympiad, in the Archonship of Callias, it was again burned down [575] for the second time. The temple which was afterwards built, as Stuart remarks [576], had not any Opisthodomus, and this is evidently true of the temple which was in course of building in Olymp. 92. 4. from its similarity with that of which the remains are still extant, which have been compared by Wilkins with the Inscription relating to the unfinished temple just mentioned. At no time therefore can the treasure have been deposited in a posterior cell of the temple of Minerva Polias; nor indeed was any treasure laid by before the Persian war, for the first time at which any such deposit was made was after the transfer of the office from Delos; unless we give this name to the sacred possessions under the management of the treasurers,

the sacred money alone is mentioned. "Quod vero templum adhuc superstes idem est atque illud, de quo nostra inscriptio, inde non colligitur id templum Olymp. 93. 3. non esse incensum. Non enim absumptum igne dicitur, sed correptum (ad quod non satis attendi Œc. Civ. Ath. III. 20.) et recte Viscontus (de Elgin. p. 113.) judicat, in opere lapideo non potuisse nisi supellectilem et tectum incendio deleri, ut Pantheon Agrippæ post incendium adhuc manet." Boeckh. Inscript. Corp. vol. I. p. 264.

[574] Chand. Inscript. II. 1.

[575] Xenoph. Hellen. I. 6. 1.

[576] Antiquities of Athens vol. II. p. 4 sqq.

which were preserved at Athens before it was taken by Xerxes. It is therefore necessary to suppose that the Opisthodomus of the Parthenon is meant, in which the treasure was deposited ever after the building of that temple. The Opisthodomus as the place of custody for the treasure occurs in an Inscription[577], which I cannot err materially in assigning to the 90th Olympiad; and at this time the Parthenon alone was in existence, the temple of Minerva Polias not having been as yet built. It should also be remarked, that in addition to the public monies, treasure belonging to temples was deposited in this building[578], and also many valuables: others were kept in the body of the Parthenon itself, as is proved by several Inscriptions[579]. Other precious articles were preserved in different temples; among which was perhaps the temple of Diana upon the Acropolis, if the Opisthodomus mentioned in an Inscription[580] can be referred to this temple. The separate treasure of Minerva Polias[581] was a portion of the public treasure, which name may have given occasion to the error of the Scholiast to Aristophanes. It is unnecessary to enquire in what place the public monies were kept, when the Opisthodomus of the Parthenon was burned down in the age of Demosthenes, for there can be no doubt that it was soon afterwards restored[582]. The key

[577] Inscript. 76. §. 6. et Boeckh.

[578] Inscript. 76. ubi sup.

[579] Inscript. 141. 139. 150. 151. ed. Boeckh.

[580] See Inscript. 150. §. 46. and §. 28. ed. Boeckh. In the temple of Minerva Polias there were also certain precious articles, e. g. in the time of Pausanias the silver-footed stool of Xerxes and the golden sabre of Mardonius (Pausan. I. 27.)

[581] The Choiseul Inscription Pryt. I. which is of Olymp. 92. 3.

[582] Demosth. in Timocrat. ubi sup. and Ulpian.

of the public treasure and the superintendence of all the monies of the State belonged to the daily Epistates of the Prytanes [583]. But the treasurers of the goddess and of the gods had also the right of opening and shutting the doors of the Opisthodomus [584].

It cannot be proved that any treasure was ever laid by at Athens before the time of Pericles; and as prior to the period of Themistocles all the money received from the mines was divided among the citizens, it is manifest that they never thought of making any deposit: besides which it would have been impossible for Athens to collect any large amount of treasure without the aid of tributary allies. We do not hear of the public treasure until after the transfer of the funds of Delos to Athens; but when formed, its amount was very large as compared to the price of commodities, and it produced considerable benefit to the State. Although its operation may have been so far prejudicial, that it took a large quantity of coin out of circulation, this evil was more than recompensed by the consequent lowness of prices, and the power of procuring much with a small outlay of money. At the time when the treasure was brought to Athens, this fund had been in existence about ten years; consequently the sum paid into it could not have exceeded 4600 talents; a considerable portion of which must have been again disbursed in time of war. Diodorus [585] is therefore undeserving of any

[583] See the passages of Pollux, Suidas, and Eustathius ap. Meurs. Cecrop. 26. The argument to Demosth. in Androt. p. 590. 21. speaks of the keys of the Acropolis. The following article also belongs to this subject, Lex. Seg. p. 188. 22. ἐπιστάτης: φύλαξ τῶν κοινῶν χρημάτων καὶ ἐπιτηρητὴς τῶν δικαστῶν.

[584] Inscript. 76. t. I. p. 116. ed. Boeckh.

[585] XII. 38.

credit, when he states that nearly 8000 talents were transferred from Delos to Athens: and speaks more absurdly in another place of 10,000 or more[586]; in forming which statements he has evidently confounded other data which were alien to the subject. According to Isocrates[587], Pericles brought 8000 talents into the Acropolis exclusively of the sacred money. The number 7900, which Pausanias appears to adopt[588], is perhaps more accurate. If this statement is correct the sum which was transferred from Delos to Athens cannot have exceeded 1800 talents. For there can be no doubt that the public treasure in the time of Pericles, which was formed of the funds transferred from Delos, and whatever was subsequently added to these, amounted, when at the highest, to 9700 talents of coined silver[589]; which number is inaccurately stated by Isocrates and Diodorus to have been 10,000[590]. Demosthenes[591] reckons that during the forty-five years

[586] XII. 54. XIII. 21.

[587] Συμμαχ. 40.

[588] See chap. 19.

[589] Thucyd. II. 13.

[590] Isocrat. Symmach. 23. Diod. XII. 40.

[591] Olynth. III. p. 35. 6. and thence in the spurious oration περὶ συντάξεως, p. 174. 2. He reckons from Olymp. 75. 3. until Olymp. 87. 1. since he speaks of their Hegemonia while recognized by the Greeks, which did not last longer. Isocrates in the Panegyric reckons 70, and in the Panathenaic 65 years, Demosthenes in the third Philippic 73 years for the duration of the ascendancy of Athens, all according to different views. Seventy-three years intervened between the battles of Salamis and Platææ in Olymp. 75. ½. and Olymp. 93. 4. which is 70 years in round numbers. Andocides (de Pace p. 107.) reckons 85 years for the growing power of Athens, i. e. evidently from the battle of Marathon in Olymp. 72. 3. until Olymp. 94. 1. which

ascendancy of Athens before the Peloponnesian war, more than 10,000 talents were brought into the Acropolis: and his statement is perfectly accurate, for he includes the uncoined gold and silver, of which we will presently speak. At the beginning of this war, this treasure had undergone a considerable diminution from the expences incurred in building the Propylæa and the siege of Potidæa: and according to Thucydides there was only a surplus of 6000 talents, from which in Olymp. 87. 2. a separate treasure of 1000 talents was laid by, together with 100 vessels which were only to be made use of in case that Attica was threatened by a hostile fleet [592]. The large expences of the following years until Olymp. 88. 1. evidently consumed the whole treasure with the exception of this deposit; especially the enterprizes of the last-mentioned year [593]; and hence about the winter of this same year it was found necessary to levy a war-tax of 200 talents for the purpose of defraying the expences of the siege of Mytilene [594]. It was not until after the peace of Nicias that the Athenians recommenced the formation of a treasure, the tributes having at that time been considerably increased, and such extraordinary preparations for war having ceased to be necessary.

Andocides in the speech περὶ εἰρήνης and Æschines [595], wishing to recommend the adoption of peace, exhaust themselves in the enumeration of the advantages which

is not indeed what one would expect from the context of his narration. Sixty-five years is the most correct statement; see Dodwell Annal. Thucyd. under Olymp. 77. 3.

[592] See book II. 23.

[593] Thucyd. III. 17.

[594] Thucyd. III. 19.

[595] Andocid. p. 91 sqq. Æschin. de Fals. Leg. p. 334 sqq.

Athens had always derived from it: and either with intentional perversion or from ignorance of the ancient history of their country, they so mix together all facts and seasons, that it is no easy task to elicit the truth from such a tissue of confused statements. The following is the substance of what they say on the subject of the public treasure, which is given with no alteration except in the chronological arrangement. In the thirty years' armistice or peace between Athens and Sparta, which was only kept for the fourteen years between the Æginetan (Olymp. 83. 3.) and Peloponnesian wars[596], a thousand talents were deposited in the treasury, which according to law were to be laid by separately (ἐξαίρετα): a hundred triremes were added to the navy[597], and several other preparations made: this however manifestly took place in the first part of the war, and not in the beginning of the peace, as has been already shewn[598]; which makes it more singular that this point should have been dwelt upon by the orators, as it would have far better suited their purpose to mention how much Pericles had collected during that time. They also state that during the peace of Nicias (which was concluded in Olymp. 89. 3. for fifty years, but was never regularly kept, and in the seventh year (Olymp. 91. 1.) was completely broken by the invasion of Sicily), until Athens upon the persuasion by the Argives again commenced the war, the sum paid into the

[596] Diodorus in this year, and there Wesseling, Thucyd. II. 2. Plutarch. Pericl. 24.

[597] See Andocid. p. 93.

[598] Petit IV. 10. 8. is also correct in his statement of this point. The alteration of one thousand into two thousand talents proposed by Scaliger is equally arbitrary and false.

Acropolis amounted to 7000 talents[599]. Nothing farther is known with regard to the exact amount of the sum, but the statement appears nevertheless to be deserving of credit. It is not impossible that about 1000 talents might have been laid by every year, as the amount of tribute received was so considerable. Thucydides[600] moreover remarks, that during this truce the State had both increased its numbers of men fitted for bearing arms, and again begun to amass treasure. Lastly, there can be no doubt that the inscription belongs to this period, in which it is stated that the sacred monies were to be repaid; the 3000 talents which it had been decreed to raise, having been again returned to the Acropolis. Pericles had proposed to the Athenians to make use of the sacred treasures in time of necessity, but to replace whatever was borrowed. This perhaps occurred between the 87th and 89th Olympiads: in Olymp. 89. 3. they again began to amass a treasure, and about Olymp. 90. ½. 3000 talents had possibly been collected, which sum they then began to think of devoting to the payment of their debts. It is not possible to fix upon any other moment previous to the Anarchy which will accord with this inscription, and it is evident that it belongs to some period before the Anarchy. Those 7000 talents were consumed in the two first years of the Sicilian war, the expences of this expedition being so enormous that this sum could scarcely have been sufficient to defray them[601]. In the third year of this war there was a most urgent want of supplies; and when subsequently after the defeat in Sicily the revolt of Chios took place

[599] Reiske proposes to substitute 700 for 7000.

[600] VI. 26. ἀνειλήφει ἡ πόλις ἑαυτὴν — ἐς χρημάτων ἄθροισιν.

[601] See book II. 22.

(Olymp. 91. 4.), contrary to their law they seized the thousand talents that had been laid by as the last resource of the State [602]. There can be little doubt that some money must subsequently have been set apart for the public treasure, but it was again immediately disbursed; a subject which might be followed up in all its details, if we were in possession of more complete accounts rendered by the treasurers than the four fragments of inscriptions which still remain. One of these, of which only a few words are wanting, belongs to Olymp. 92. 3.; another probably to Olymp. 91. 3.; and the other two are also more ancient than the Archonship of Euclid. Aristophanes complains in Olymp. 92. 4. that the ancient contributions from the spoils of the Persians were consumed, without being replaced by property-taxes [603]. The history of the public treasure concludes with the battle of Ægospotamos; subsequently to this engagement Athens appears to have lived chiefly, according to the common saying, from hand to mouth. The passion for the Theorica wasted the money that might have been laid by for future wants, and the frequency of property-taxes proves that the regular revenues were not sufficient. Whoever therefore can suppose that there existed a large treasure at Athens in the time of Lycurgus, must be ignorant of the resources and political condition of Athens at that period.

It is well known that the public treasure and the temples also contained uncoined gold and silver, of which part was in bars [604], and part worked up either as vessels or ornaments of the statues. Pericles, as mentioned by

[602] Thucyd. VIII. 15.

[603] Lysist. 655.

[604] For which point see Inscript. 145..t. I. p. 205. ed. Boeckh.

Thucydides[605], states that in the beginning of the Peloponnesian war, there were upon the Acropolis no less than 500 talents of uncoined gold and silver, in public and private offerings, in sacred vessels for the processions and games, in Persian spoil and other similar articles; and he adds, that there was a considerable quantity in the other temples. There were forty talents of pure gold upon the statue of Minerva, which could be taken off: the value of this, according to the lowest estimate, amounted to 400 talents of silver: for it cannot be supposed that these forty talents were merely estimated in silver[606], as Thucydides expressly speaks of gold. Philochorus however appears to state the quantity of gold more accurately than Pericles as represented by Thucydides, for he mentions the number of forty-four talents; which, according to the proportion of one to thirteen, amounts to no less than 572 talents of silver. The loss of Polemon's work upon the sacred offerings in the Acropolis[607] is

[605] II. 13.

[606] This notion has been brought forward by Heyne (Antiquarische Aufsätze part I. 192.) as a conjecture, but after the expression of Thucydides it appears to me that no doubt can exist. Passing over the Commentators upon this historian, and others who have treated this point at greater length than was required, I only remark that Quatremere de Quincy in his valuable work upon the Olympian Jupiter is of the same opinion which I have adopted. With the statements of Thucydides compare also Plutarch. Pericl. 31. and de vit. aer. alien. 2. Diodorus (XII. 40.) according to his custom mentions a higher number, viz. fifty talents, as the weight of the gold in the statues, and compare with this, Suidas in v. Φειδίας. The passage of Philochorus is in Schol. Aristoph. Pac. 604. which is the authority upon which Scaliger proceeds in Ὀλυμπ. Ἀναγρ. Olymp. 87. 1.

[607] See Meurs. Cecrop. 2.

much to be lamented: in the mean time the catalogue of valuables collected by Meursius[608] may be much increased from the accounts preserved in different inscriptions. Lycurgus added many ornaments of this nature, and others were melted down and altered, as for example, crowns and phialæ, of which there were many upon the Acropolis[609]. In later times however profuse distribution and plunder were not unfrequent: thus we read that Lachares the tyrant stole the ornaments of Minerva and the golden shields.

(21.) Hitherto we have only considered what may be strictly called the revenues (πρόσοδοι) of the State. The community also derived an indirect benefit from the public services or Liturgies (λειτουργίαι), which spared the State great expences; although Demosthenes[610] in speaking of another subject observes that the Liturgies were not in connexion with the revenue. This is the only question within the circle of financial affairs, which has been subjected to an accurate investigation, by Wolf in his Preface to the Oration of Demosthenes against Leptines[611], founded upon the testimonies of ancient writers. To several points in this dissertation I shall have occasion to refer; but shall for the most part follow my own course. The errors of my predecessors I shall generally pass over in silence, or only notice them with a few words; and in this I feel less embarrassment with regard to the editor of the Oration against Leptines, as he has subsequently

[608] In the same Treatise.
[609] Cf. Demosth. in Androt. p. 616.
[610] In Leptin. §. 21.
[611] Pp. LXXXV—CXXV.

admitted that he has misconceived some parts of this subject[612].

The Liturgies, as I have already shewn, were not peculiar to the Athenians, and they existed among this people from remote times. As early as in the history of Hippias the Pisistratid we meet with Choregia and Hestiasis, the latter under the name of Phylarchia; and also the Trierarchy[613], which is moreover the foundation of the account of Themistocles having provided ships out of the money received from the mines[614], although the ancient writers do not mention it by name: and the establishment of the Exchange by the law of Solon proves that the Liturgies had been introduced even at that early period. The word Liturgy signifies a service for the community (λήιτον, λῆτον, λεῖτον[615]), and also a service performed by a hired servant, or a servant belonging to the State (ὑπηρέτης, δημόσιος); from which it may be inferred, that only services performed in person, such as Choregia, Trierarchy, &c. were included under the term Liturgy, and not the property-tax (εἰσφορὰ), as Heraldus has already remarked[616]. The ancient writers, wherever they speak accurately, distinguish between the

[612] Analect. H. I. ad Fin. It is proper that I should remark that my investigations had been long terminated before this confession and promise to correct the errors committed were made known.

[613] See Wolf p. LXXXVIII.

[614] See book IV. 12. also I. 19. and the dissertation there referred to.

[615] Wolf p. LXXXVI. cf. Lex. Seg. p. 277. Λειτουργεῖν is explained by the grammarians εἰς τὸ δημόσιον ἐργάζεσθαι, τῷ δημοσίῳ ὑπηρετεῖν.

[616] Anim. in Salmas. Observ. ad I. A. et R. VI. 1. 7.

Liturgies and the property-taxes[617]. Orphans were exempted from all Liturgies, but not from the property-tax[618]. This then is quite sufficient to shew that these two expressions are totally different. Property-taxes were only considered as Liturgies when advanced for some other person, this being a contribution essentially different from the property-tax itself. Hence Demosthenes' client in the speech against Polycles states that he was not compelled to pay the advance of the property-tax, as he was Trierarch, and the law exempted any person from performing two Liturgies at the same time[619]. If however the property-tax itself had been considered as a Liturgy, all Choregi, Trierarchs, Gymnasiarchs, and other persons serving Liturgies, would have been exempted from it, which is evidently false. But as the property-taxes have always been included among the Liturgies, upon the authority of Heraldus, the explanation of these contradictions has been rendered impossible, and therefore no writer has willingly touched upon the subject. The ignorant Ulpian[620] is the only witness who can be adduced in favour of their identity, and there are some ambiguous expressions in the ancient writers which might make it appear that the property-taxes were called Liturgies; but these cannot establish this position; for where there is no precise limitation of the meaning, the word is used to denote every

[617] Orat. in Euerg. et Mnesib. p. 1155. 22. where the Trierarchy is included among the Liturgies; cf. p. 1146. sup. The same distinction is clearly made by Isocrates Symmach. 40. ad fin. and de Antid. p. 80. ed. Orell.

[618] See book IV. 1. and 11.

[619] Demosth. in Polycl. p. 1209. 2. see also Orat. in Phænipp. p. 1046. 20—24.

[620] Ad Leptin. §. 24. and elsewhere.

service and every performance of a duty; thus every species of pecuniary aid or expenditure was by an extension of the term called Choregia[621]. With regard to the nature of the Liturgies, they may perhaps upon the whole be most aptly compared with the services or contributions in kind of modern days, although the objects were very dissimilar, and the parallel fails also in many other points. The Liturgies of the Greeks were also considered as a mark of distinction[622]; and they were thus productive of public benefit to a degree which could only have been possible in the ancient democracies, in which the effects of emulation were so powerfully felt; we find indeed that these public servants usually performed more than the law prescribed; and any person who was parsimonious in his expences exposed himself to popular censure. Another advantage was that the State thus dispensed with the services of many paid officers and contractors; so that the profit obtained by the latter of these was saved to the nation, and neither class received the unfair privileges which are enjoyed by the public functionaries and Jewish speculators of modern days. One disadvantage of the system of Liturgies, viz. the tardiness in the naval equipments which it occasioned, did not make its appearance until the patriotism of the Athenians had much abated. In the better times all impediments were speedily overcome. But an equable distribution of the burdens was unquestionably a matter of great difficulty; and it frequently happened, that while one person exhausted his means, another made little or no sacrifice,

[621] Thus it may be said in reference to any object, χορηγῆσαί τινι δαπάνας, &c.

[622] Aristot. Eth. Nicom. IV. 5. Xenoph. Off. Mag. Eq. I. 26. Isocrat. Areopag. 20. See Wolf p. CXVII. note.

although his property was equally large. And, finally, it furnished the citizens with an occasion for ambitious and useless expenditure, and excited them to aim after a pernicious popularity [623]. And Aristotle [624] justly recommends that expensive and useless Liturgies, such as the Choregia, Lampadarchia, &c. instead of being encouraged, should be not even permitted to those persons who voluntarily undertook to perform them.

The majority of the Liturgies were the ordinary Liturgies, as they were called, i.e. returning in a regular succession (ἐγκύκλιοι λειτουργίαι [625]). The Trierarchy and the advance of the property-tax furnish instances of extraordinary Liturgies, although we shall not consider the latter in this place, but combine it with the investigation of the tax to which it belongs. There is not any separate name for the extraordinary Liturgies; Reiske invented the appellation of compulsory Liturgies (προσταχταὶ λειτουργίαι), in order to correct a passage in a Byzantine decree which confers upon the Athenians an exemption from certain Liturgies in Byzantium [626]: it is however highly improbable that the extraordinary Liturgies are intended, for at Athens the extraordinary Liturgies were the only ones from which an exemption was allowed; and moreover the alteration, even

[623] Thus the expence of the Choregia, Gymnasiarchy, and Trierarchy, was carried to a great extent by Alcibiades. Isocrat, περὶ τοῦ ζεύγ. 15. This is the meaning of καταλειτουργεῖν, καταχορηγεῖν one's property; but a person might καταζευγοτροφεῖν and καθιπποτροφεῖν his estate without performing any public service.

[624] Polit. V. 8.

[625] This expression is thus explained in Lex. Seg. p. 250. αἱ κατ' ἐνιαυτὸν γινόμεναι, οἷον χορηγίαι, γυμνασιαρχίαι καὶ ἱερῶν περίοδοι (the Architheoria).

[626] Demosth. de Corona p. 256. 10.

if the extraordinary Liturgies were meant, must necessarily remain doubtful. The most important of the regular Liturgies, which we are now about to consider, are the Choregia, Gymnasiarchy, and Feasting of the Tribes (ἑστιάσεις[627]); the Archetheoria[628] is a fourth, but it is too unimportant to be entitled to a separate discussion, and therefore I may with Wolf pass it over. I need only remark that the latter Liturgy was, as well as the Trierarchy, considerably lightened by contributions from the public[629] or sacred treasures[630], which is also asserted by an insignificant writer, of the Gymnasiarchy and Choregia[631]. There were also other Liturgies of more rare occurrence, such as the Arrephoria and the Trierarchy for mock sea-fights, which probably existed only upon extraordinary occasions. And lastly there were certain degrading services performed in the processions by the resident aliens, which belonged to the Liturgies. The obligation to render these several services, with the exception only of those last mentioned, was founded upon property. An estate of forty-six minas, or even of one or two talents, did not entail upon the possessor the performance of any Liturgy[632], although it was sufficient for his maintenance, and made him liable to the payment of property-taxes. The smallest amount of property which obliged the possessor to the performance

[627] Wolf p. LXXXVII.

[628] See the passages quoted by Wolf p. XC. and frequently in Inscriptions.

[629] See book II. 6.

[630] See Inscript. 158. t. I. p. 252. ed. Boeckh.

[631] The anonymous author of the argument to the speech against Meidias, p. 510. ed. Reisk.

[632] Isæus de Hagn. Hered. p. 292. (concerning which passage see book I. 20.) Demosth. in Aphob. I. p. 833. 22.

of Liturgies, was about three talents; unless a person of less wealth voluntarily consented to undergo this burthen[633]. Companies (συντέλειαι) did not exist in the regular Liturgies[634]; except that in Olymp. 92. 1. in the Archonship of Callias, after the national wealth had been exhausted by the Sicilian war, a decree was passed to give permission that two persons might perform the Choregia together[635]. The performer of the Liturgy was appointed by his tribe; which shared the fame of victory with the individual, and was therefore inscribed as conqueror upon the tripod. This appointment must have been made according to some regular succession; yet, if persons willing to undertake the office of Choregus were wanting, one individual could serve for two tribes at the same time[636]. The Liturgies of the resident aliens were however wholly distinct from those of the citizens. According to Demosthenes[637] the regular Liturgies only required about sixty persons a year; a statement which is hardly credible, since ten Hestiatores were necessary for a single feasting of the tribes, while for the provision of every kind of chorus there was always the greatest emulation, and every tribe used regularly to furnish a Choregus for the sacred feasts[638],

[633] Cases of this kind see in book IV. 15. of the Trierarchy, if they are really correct.

[634] Demosth. in Lept. §. 19.

[635] Schol. Aristoph. Ran. 406. to which may be joined Platonius in Küster's Aristophanes p. XI.

[636] Antiphon de Choreuta p. 768. Chandler Inscript. II. 52. p. 59. Demosth. in Lept. p. 467. 27. and the ancient Commentators quoted there by Ulpian.

[637] In Lept. §. 18. and there Wolf.

[638] This may be even concluded from the passages collected by Sigon. R. A. IV. 9. and is expressly stated by the authors of the

which is equally true of the Gymnasiarchy. It may be also observed, that if any one who was returned to the State as the performer of a Liturgy thought that some other person should be appointed in his stead, he could resort to the legal remedy of the Exchange, as in the case of the Trierarchy. In order too that no person might be burthened beyond his means, it was enacted by an ancient law, that no one should be bound to perform Liturgies for two successive years[639]. Neither was any person forced to perform two Liturgies at the same time[640]: whence it is evident (as indeed is stated by the orators[641]), that the Trierarchs were free from the regular Liturgies during the time of their Trierarchy. Orphans were exempt (ἀτελεῖς) from all Liturgies for the period of their minority and one year over[642]. Besides this exemption, an immunity from the regular Liturgies was also given as a reward or testimonial of honour; and it is to this that Demosthenes refers[643], when he asserts that there were about five or six citizens, and less than that number of resident aliens, ex-

arguments to the oration against Meidias, and by Ulpian ad Lept. §. 24. in reference to the great Dionysia.

[639] Demosth. in Lept. §. 7. (p. 459. 12. ed. Reisk.)

[640] Demosth. in Polycl. p. 1209. sup.

[641] Demosth. in Lept. §. 16. (p. 462. 23.) which passage however, according to the correct interpretation of Wolf, cannot be any longer taken as a proof, and in Mid. p. 565. 3. That those who served the Trierarchies, when they were no longer in the performance of this duty, might be called upon to serve other Liturgies, is evident, and many instances occur which cannot all be attributed to voluntary performance.

[642] Concerning the Ateleia in general see Wolf p. LXXI sqq. book I. 15. and where this subject has been incidentally mentioned, as book III. 4. book IV. 1, 10, 11.

[643] Lept. §. 47.

empted, and that he went to the utmost limit in stating ten. Leptines in Olymp. 106. 1. passed a law against citizens as well as resident aliens and Isoteles possessing an immunity from Liturgies, and even prohibiting that it should ever again be either sought for or granted: but the oration of Demosthenes, which was delivered in the following year, completely put an end to this project [644].

(22.) Among the regular Liturgies which were appointed for the celebration of festivals and the diversion of the people, the Choregia must be considered as the most important. The office of Choregus was to provide the chorus in all plays, tragic as well as comic (τραγῳδοῖς, κωμῳδοῖς) and satirical, and also for the lyric choruses of men or boys, Pyrrhichistæ, Cyclian dancers and flute-players (χορηγεῖν ἀνδράσι or ἀνδρικοῖς χοροῖς, παιδικοῖς χοροῖς, πυρριχισταῖς, κυκλίῳ χορῷ, αὐλητταῖς ἀνδράσιν), and others. But there is not the least reason for supposing that the Choregus defrayed the whole expence occasioned by the play; an error which ought not to have been revived, as it has been lately, after the truth had been pointed out by Heraldus [645]. The State itself contributed largely to the plays, as is proved by several passages in ancient writers; and the lessee of the theatre was also bound to provide for several expences, in consideration of which he received the entrance-money. If the actors had been provided by the Choregi, the State would have allotted them to the Choregi; but they were allotted to the poets, and not to the Choregi [646]; conse-

[644] Dio Chrysost. Or. Rhod. XXXI. vol. I. p. 635. ed. Reisk.

[645] Anim. in Salmas. Observ. ad I. A. et R. VI. 8. 2 sqq.

[646] Hesychius, Suidas, Photius in v. μερίσεις ὑποκριτῶν. Each poet received three actors by lot; and whichever of them obtained the victory was taken for the next time without a fresh decision.

quently the Choregus had no concern with them. It is also frequently mentioned that this or that player acted in particular for a certain poet: and moreover the poet taught the actors independently of the Choregus; whereas the case was exactly reversed with the teaching of the chorus. The Choregi appointed by the tribes were allotted by the Archon to the poets, which was called *giving a chorus*[647]. The first duty of the Choregus, after he had

The passage of Plutarch. Phoc. 19. from which it might seem that the Choregus provided the actors and their dresses, I have not noticed in the text, as in the first place it is so confused that it is impossible to form any clear notion of the story related there, and secondly because the τραγῳδὸς is represented as demanding of the Chorègus what could only have been demanded by the ποιητὴς, and the τραγῳδὸς was never the ποιητὴς, except when the poet appeared as an actor and singer in his own play; and lastly the whole passage shews that the demand of the Tragodus did not refer to the character of a queen, which would necessarily be present in the play, but only to the κεκοσμημέναι πολλαὶ πολυτελῶς ὀπαδοὶ, which the Choregus is supposed to have refused; these however might have been considered by the poet as a chorus, and therefore he may have required the Choregus to furnish them with dresses in addition to the chief chorus, and the Choregus might refuse to comply, not allowing that these female attendants were a chorus, and being only willing to furnish that which he was bound in strictness to supply. Even then if the story is considered as true, it does not prove any thing against the supposition of Heraldus. With the exception of this passage it has not however happened to me to meet with any thing in favour of the notion that the actors were provided by the Choregus.

[647] Χορὸν διδόναι, with which χορὸν λαβεῖν on the part of the poet corresponds. Cf. Plat. de Repub. II. ad fin. and the Scholiast, and de Leg. VII. p. 817. D. Aristoph. Ran. 94. Casaub. ad Athen. XIV. p. 638. F.

assembled his chorus, was to provide a teacher (χορο-διδάσκαλος) to instruct them in their parts, whom he paid for his trouble. The teachers themselves were proposed, and the Choregi received them, as we learn from Antiphon, by lot; which doubtless only means that these lots decided, as was the case in the selection of the flute-player, the order in which the competitors were to choose, as every tribe and Choregus would naturally be desirous to have the best[648]: an instance however occurs in which the Choregus chose a Chorodidascalus who was not proposed[649]. Another duty of the Choregus was to provide the singers or musicians who were to receive instruction. In the choruses of boys this service was often connected with great difficulties, the parents being unwilling to give up their children, so that the Choregi threatened to punish them, or sometimes had recourse to violence[650]; a licence which was necessary in other places as well as Athens: even in the Augustan age the Choregi in Stratonicea of Caria were allowed full power of forcing children from their parents[651]. The apprehension of seduction was the cause of this refusal; for which reason the age prescribed in the laws of Solon for the Choregi was upwards of forty years[652]; but this regulation had before the Anarchy become a dead letter, even for the choruses of boys. Moreover the chorus received pay for their services equally with the actors, although it has been supposed without any reason,

[648] Demosth. in Mid. p. 519. Aristoph. Av. 1404. Antiphon de Choreuta p. 767, 768. Cf. Petit III. 4. 2.

[649] Demosth. in Mid. p. 533.

[650] Antiphon ut sup.

[651] Inscript. ap. Chishull. Ant. Asiat. p. 157.

[652] Æschin. in Timarch. p. 391.

that the native artists obtained no remuneration[653]. The Athenian people were as well paid as foreigners for dancing, singing, and running[654]. The Choregus was bound to provide such liquid and solid foods as had the effect of strengthening the voice[655], as long as his chorus continued in existence, and generally he had to maintain the chorus during the period of their instruction. For the representation itself he furnished (in the same manner that the Archetheori provided the ornaments) the sacred clothes adorned with gold for the use of himself and of the chorus, golden crowns[656], and the masks of the chorus, and any articles of a similar description which were required at the performance of the play. The Choregus was also bound to supply a place for the school either in his own house or elsewhere[657]. Additional persons were required for subordinate offices. Thus Antiphon's client provided four men for the management of the chorus, of whom one was appointed solely for the purchase of whatever the teacher considered useful for the boys. Any person who did not

[653] Wolf. p. XCIII note.

[654] Xenoph. de Republ. Ath. I. 13.

[655] Plutarch de Glor. Ath. 6. Antiph. de Choreuta, and the argument of the same speech. Concerning the maintenance of the chorus see also the anonymous author of the argument to Demosthenes against Meidias, and Ulpian ad Lept. §. 24. In Corcyra also (and it was no doubt the same every where) the chorus and the musicians were provided with maintenance in money or in kind (σιτηρέσια); see Inscript. ap. Montfaucon. Diar. Ital. p. 412.

[656] Demosth. in Mid. pp. 519, 520, 531. Antiphanes ap. Athen. III. p. 103. F. Ulpian ut sup. cf. Herald. ut sup. 5.

[657] Antiphon in the above-cited speech.

supply the legal amount was reprimanded by the proper authorities [658].

From this account it is manifest that the Choregia must have occasioned a considerable expence, though differing according to the nature of the representation. The chorus of flute-players cost more than the tragic chorus [659]; from which alone it is evident that the Choregus did not defray the expences of the whole play: and the comic chorus cost less than the tragic, as it was common in the tragedies to provide expensive dresses of gold, purple, and ornaments of a similar kind [660]. Demosthenes [661], mentioning the donation which the people had made to Lysimachus the son of Aristides, says, that any person would sooner receive the third part of it than immunity from the Liturgies. The gift was considerable; but we are too little acquainted with the value of landed property in Eubœa to determine with certainty what amount of income he derived from it. At the same time I do not imagine that the third part of his income accruing from this donation amounted to more than 1200 drachmas; and consequently the average yearly expence of the regular Liturgies could scarcely have amounted to so large a sum, on the supposition that the person serving them only expended the precise sum required, or a little over. Aristophanes [662], as we learn from Lysias, had in the space of four or five years, for himself and his father, spent 5000 drachmas upon two tragic Choregias, three years of which time he was also Trierarch. This evidently

[658] Xenoph. Hier. 9. 4.
[659] Demosth. in Mid. p. 565. 6.
[660] Herald. VI. 8. 5.
[661] Demosth. in Lept. §. 95.
[662] Lysias pro Aristoph. bon. p. 642. cf. p. 633.

exceeded the standard fixed by law. A brilliant example of an excessive expenditure is also afforded by another client of the same orator[663]. This person had been Choregus in his eighteenth year, in the Archonship of Theopompus (Olymp. 92. 2.) after the scrutiny (δοκιμασία), and had given 3000 drachmas for a tragic chorus. In the same year, after an interval of three months, he paid 2000 drachmas for a chorus of men, with which he was victorious. In the year which immediately followed, in the Archonship of Glaucippus (Olymp. 92. 3.), he gave 800 drachmas for a chorus of beardless Pyrrhichistæ at the great Panathenæa; and in the same year, at the great Dionysia, 5000 drachmas for a chorus of men, with which he again obtained the victory, and was thus exposed to the farther expense of consecrating the tripod, which was commonly set up in a cell distinguished by an inscription. Immediately afterwards, in the Archonship of Diocles (Olymp. 92. 4.), he paid 300 drachmas for a Cyclic chorus at the little Panathenæa; data from which we also get the proportion between the expences of the different performances. This same individual was Trierarch for the seven years from Olymp. 92. 2. to Olymp. 93. 4., at an expence of six talents; and at this same time, although absent on his duties as Trierarch, he paid two property-taxes, one of 3000, the other of 4000 drachmas: in the Archonship of Alexias (Olymp. 93. 4.) he was Gymnasiarch at the Promethea, and was the victorious competitor, at an expence of 1200 drachmas: a chorus of boys cost him soon afterwards more than 1500 drachmas: and in the Archonship of Euclides (Olymp.

[663] Ἀπολ. δωρόδ. p. 698 sqq. Petit Leg. Att. III. 4. 1. has treated this passage with his usual ill luck, for which he has been sufficiently censured by others.

94. 2.) he conquered with a comic chorus, upon which he expended 1600 drachmas, including the dresses which were consecrated; in addition to which he paid 700 drachmas for a chorus of beardless Pyrrhichistæ at the little Panathenæa. He conquered with his trireme in a mock sea-fight off Sunium, at an expence of 1500 drachmas: and moreover he consumed above 3000 drachmas upon Arrhephoria, Architheoria, &c. The sum of his expences in nine years amounts precisely to ten talents thirty-six minas. This individual unquestionably made great sacrifices; but, in order to avoid making any false estimate of the public burthens, it must be clearly understood, that, whatever was his motive, whether ambition, or a desire of obtaining distinction by the liberal application of a large fortune, he performed more than was required of him: the possibility of any exaggeration in the sums I will leave entirely out of the question. In the first place he was not bound to serve any Liturgies in the first year after the scrutiny: he was not bound to perform several regular Liturgies in the same year: he was not bound to devote himself to them several years without interruption: he was not bound to perform regular Liturgies at the same time with a Trierarchy, the latter being a ground of exemption from the former: nor was he bound to be Trierarch for seven years, a service to which no person was oftener liable than once in three years[664]: and indeed after the Trierarchy he was for one year allowed an exemption from all Liturgies. In short, this person does not in the least exaggerate when he asserts, that legally he need not have subjected himself to a fourth part of the expences which he actually incurred. Assuming however that he was legally liable to the

[664] Δύο ἔτη καταλιπὼν, Isæus de Apollod. Hered. p. 184.

fourth part, which amounts to nearly 160 minas, it must not be forgotten, that out of the nine years seven were burthened with the current expenditure of a war, for which two property-taxes were raised, amounting alone to more than seventy minas; and that the years of peace were still more unpropitious; and again, that his property must have been very considerable, as may be seen from the amount of his expences, and above all from the long duration of his Trierarchy. We may therefore fairly assume, without any danger of exaggeration, that his estate amounted to twenty talents: the inheritance of Demosthenes, by which the possessor was bound to perform the Trierarchy, amounted to fifteen talents: many other persons were however possessed of double, triple, or many times that sum. If then we assume this amount, Aristophanes must upon an average have paid 17½ minas a year from an estate of twenty talents; or, reckoning in our money, £71 from a property of £4833. If this should appear a heavy taxation, I answer that it is precisely the same as if a citizen in modern days were not only to pay nothing in the shape of taxes, but were to receive in addition to this property an annual donation of about £200. For if we only reckon eighteen (£4350) out of the twenty talents as productive capital, the average rate of interest being twelve per cent, the possessor must have had an income of rather more than two talents or 120 minas (£483) a year; of which he did not pay the seventh part to the public: whereas at the present time an estate of £4350 bearing interest, does not produce on an average more than an income of £215, and from the excessive lowness of prices the means of enjoyment which the remaining six sevenths of his income would have afforded would have been very great. Thus the marvel of the enormous

taxes paid by the Athenian citizens is readily accounted for; in order to shew which I have taken into consideration the whole passage of Lysias, including that part which does not relate to the Choregia. Every age must be judged from itself; what appears incomprehensible in one, is in another perfectly natural.

By the unsuccessful termination of the Peloponnesian war (Olymp. 93. 4.) and the dominion of the thirty tyrants, the internal prosperity of Athens received as severe a shock as her foreign power, through the decline of house-rent and trade, and the loss of all foreign landed property. It is therefore easy to understand why, when Aristophanes represented the Æolosicon and the second Plutus (Olymp. 97. 4.), there should have been no Choregi for the comic chorus, although persons were found to fill this office in the Archonship of Euclid (Olymp. 94. 2.). The Parabasis disappeared from the comedy from another reason: after which the chorus only remained as an acting or interlocutory character, as it appeared in the second Plutus and in the new comedy, particularly in Menander. This is doubtless the abolition of the Choregia, which the Scholiast to Aristophanes [666] states to have been effected by Cinesias, on account of the censure he had received from comic poets. Comedy however did not cease with the cessation of the chorus, which is a fresh proof that the Choregus provided no part of the performance but the chorus. Demosthenes in the Oration against Leptines [667] does not apprehend any want of

[665] Ἐπέλιπον οἱ χορηγοί Platonius de Comœdia p. XI. Aristoph. Vit. p. XIV. with regard to the expression see Demosth. in Lept. §. 18.

[666] Ran. 406.

[667] Ubi sup.

Choregi: but his own speeches, and even some circumstances of his own life, prove that in the 106th Olympiad (the effects of the Social war having probably been still in operation), the full number of Choregi could not be procured. The tribe Pandionis had supplied no Choregus for three years, until a dispute having arisen between the Archon and the managers of the tribes, Demosthenes voluntarily undertook the Choregia[668]. In Olymp. 127. 2. we even find the State performing the part of Choregus for the tribes Pandionis and Hippothontis, and it was moreover victorious in both instances, in the chorus of boys and men[669].

(23.) The Gymnasiarchy was in the time of the Roman emperors performed at Athens by Gymnasiarchs, whose office sometimes lasted for a year, and sometimes for twelve or thirteen months, who had the superintendence and care of the training-schools, and the exercises performed under the instructions of the teachers (γυμνασταὶ, παιδοτρίβαι)[670]. With the later Gymnasiarchy we are only acquainted from recent inscriptions. The annual Gymnasiarchs however at that time provided for the sacred games which were performed by the Gymnasts,

[668] Demosth. in Mid. pp. 578, 579. Decree I. at the end of the Lives of the Ten Orators.

[669] According to two well known inscriptions which have been edited by Fulvius Ursinus (Icon. illust. Vir.) and more correctly by Spon (Vol. III. p. 109.) and Wheler, and also by Muratori (Vol. II. p. DCXLI. 1. 2.) and others. See also Taylor Marm. Sandvic. p. 70. Van Dale Dissert. ad Marm. p. 678. Similar inscriptions for the tripods of the victors may be seen in collections of inscriptions, as those of Spon, Chandler, &c.

[670] Van Dale ubi sup. p. 584 sqq.

the Lampadephoria for example[671]. There is no reason for supposing that the ancient Gymnasiarchs, with whom alone we have any concern, ever had the superintendence of the training-schools. Ulpian[672] alone asserts that the Gymnasiarchs were bound to supply a full crater of oil to such persons as wished to anoint themselves at the public expence: but it may be at once perceived with what ease this negligent writer, or rather the author of one note among this mixture of partial truth and absolute falsehood, may have seized upon some fact, and generalized what only held good of later times. Or even if the statement did refer to an earlier period, it was perhaps limited to those who were training for the sacred games. We therefore make a distinction, which has not always been sufficiently attended to, between the modern and ancient Gymnasiarchy, and limit the latter to the superintendence of the sacred games.

We have now to ascertain what were the expences of the Gymnasiarch. He provided the oil, we are told upon the authority of Ulpian, a statement which I do not object to, although we learn from inscriptions that the oil was furnished to the Gymnasiarchs in several places in ancient Greece, and even in Athens at the time of Hadrian; and that in many periods none but particular Gymnasiarchs supplied the oil voluntarily[673]. Wolf conjectures that

[671] Inscript. ap. Gruter. p. CCCXVII. 3. LXXIX. 6. (and elsewhere in single passages), concerning which comp. Biagi Monum. Gr. et Lat. ex Mus. Nan. p. 43 sqq.

[672] Ad Lept. §. 24.

[673] Instances of which are furnished by the well known Sicilian inscription concerning the oil for the Gymnasia, the ordinance of Hadrian with regard to the duty upon and the exportation of oil, and the decree of the Salaminians transcribed by Baron

they also furnished the dust, and it is very possible that such was the practice. There is however another more important fact which we know without the aid of conjecture, viz. that the Gymnasiarchs were bound to maintain and pay those persons who were training for the celebration of the festivals [674]: a burthen by no means inconsiderable, as the combatants required the most nourishing foods. The cost of ornamenting the place of combat for the festival, together with many other expensive preparations, doubtless also fell upon the Gymnasiarch. The Lampadarchia, as being a particular species of the Gymnasiarchy, deserves to be mentioned [675]. The Lampadephoria on foot was a common amusement; it was performed on horseback in the time of Socrates for the first time at Athens [676]. The art consisted in running fastest without extinguishing the torch: a feat in which there is no difficulty with the pitch-torches of modern days, but not easily performed with the waxen lights borne by the competitors, which were secured in a species of candlestick protected by a shield, as we learn from monuments of ancient art now extant. It is possible too that it was necessary to illumine the course, as the race took place at night. Games of this kind were only celebrated to the Gods of

Stackelberg, of which fragments have been published by Köhler in the Dörptische Beiträge. (The whole inscription is given in the author's collection of inscriptions, No. 108. Vol. I. p. 148.)

[674] Xenoph. de Rep. Ath. 1. 13. de Vectig. 4. 52.

[675] Aristot. Polit. V. 8.

[676] Plat. de Rep. init. Its different names are λαμπὰς, λαμπαδηδρομία, λαμπαδηφορία, λαμπαδοῦχος ἀγών. See Meurs. Græcia Feriata, Castellan. de Fest. Græc. Van Dale ut sup. p. 504. Caylus Recueil d'Antiq. T. I. p. XVII sqq. Schneider ad Xenoph. de Vectig. p. 170.

Fire; and five of them were held at Athens, one at the Hephæstea, the presiding deity of which was also worshipped at the Apaturia by men in sumptuous dresses, holding in their hands torches which they lighted at the sacred hearth in token of thanks for the use of fire; another at the Promethea in the exterior Ceramicus in the Academy; another at the Panathenæa, perhaps however only at the great Panathenæa; manifestly because Minerva as being the Goddess of Arts and companion of Vulcan was also Goddess of Fire; she was also honoured at Corinth with the Lampadephoria[677]; at the Bendidea, in which Diana Bendis appears in the character of Goddess of the Moon[678]: and lastly, at the annual games of Pan the God of Fire[679]. For all these spectacles the Gymna-

[677] Harpocration in v. λαμπὰς and there Valesius, Suidas in v. λαμπάδος, Lex. Seg. p. 277. Aristoph. Ran. 1119. and the Scholiast, also Schol. Ran. 131. Concerning the Lampadephoria in honour of Neptune as a Grecian custom, see also Herod. VIII. 95. of Prometheus Pausan. I. 30. at Corinth in honour of Minerva Schol. Pind. Olymp. XIII. 56. That the Panathenaic Lampadephoria was only celebrated at the great Panathenæa may perhaps be inferred from the anonymous author of the argument to the oration against Meidias p. 510. as he states that Gymnasiarchs were only appointed for the great festival. Into the accuracy of this limitation I shall not however enquire. A Gymnasiarch of the tribe Cecropis occurs in a mutilated inscription copied from Fourmont's papers.

[678] Plat. ubi sup. The Lampadephoria in this passage has indeed been referred to the less Panathenæa, which would fall immediately after the Bendidea; Corsini has however shewn that the less as well as the great Panathenæa were celebrated in the month Hecatombæon, and consequently are here out of place. See the above cited inscription.

[679] Herod. VI. 105. Phot. in v. λαμπὰς, and Lex. Seg. ubi sup.

siarchs had to provide: and, as considerable emulation existed, one person was appointed from each tribe for every game, whether accompanied or not with Lampadephoria [680]. The Gymnasiarchy was not by any means one of the inferior Liturgies. A cyclic chorus or a chorus of Pyrrhichistæ appears to have been generally less expensive. An inscription of the tribe Pandionis, of the time immediately succeeding the thirty tyrants, mentions the conquerors in the Gymnasiarchy for the Promethea and the Hephæstea, together with those who had conquered at the Thargelia and Dionysia with a chorus of men or boys. The tribe confers the same honour upon the one as upon the other [681]. Isæus [682] classes the Gymnasiarchy for Lampadephoria with the Trierarchy, the property-taxes in the class of the three hundred, and the tragic Choregia. Aristotle includes it, together with the Choregia, among the expensive and useless Liturgies: Alcibiades and Lysias, who were distinguished for their great expences upon public Liturgies, performed the Gymnasiarchy [683]. The client of Isæus in the speech for the inheritance of Apollodorus [684] boasts of his honourable

[680] Argum. ad Mid. ut sup. In the Lex. Seg. *ubi sup.* the γυμνασίαρχοι are simply called οἱ ἄρχοντες τῶν λαμπαδοδρομιῶν, which explanation is too confined.

[681] Inscript. ap. Chandler. Inscript. II. 6. p. 48.

[682] Isæus de Philoctem. Hered. p. 154. where the expression made use of is γυμνασιαρχεῖν λαμπάδος with which comp. Xenoph. de Vectig. ut sup. ἐν ταῖς λαμπάσι γυμνασιαρχούμενοι.

[683] Isocrat. περὶ τοῦ ζεύγ. 15. Plutarch. Nic. et Crass. 2.

[684] P. 184. This Gymnasiarchy is also mentioned by Andocides (de Myst. 65.) as having been performed by him, together with the Archetheoria to the Isthmus and Olympia; and the same mentions his having gained a victory in a Lampadephoria, and therefore by the Gymnasiarchy, in his oration against Alci-

Gymnasiarchy for the Hephæstea. According to Lysias[685] a victorious Gymnasiarchy for the Promethea cost 1200 drachmas.

The Feasting of the Tribes (ἑστίασις), a species of Liturgy which seldom occurred, was provided at the expence of particular persons selected from the tribe (ἑστιάτορες). Harpocration[686] informs us that if no person came forward voluntarily, some one was appointed by lot; which is stated as if on the authority of the oration of Demosthenes against Meidiąs, in which nothing of the kind occurs. It appears to be an incorrect inference from what is stated in that speech respecting the appointment of the Choregi, the voluntary Choregia of Demosthenes, and the order which was determined by lot in the election of the Chorodidascalus[687]. The Hestiatores were doubtless appointed, like all persons serving Liturgies, according to the amount of their property, in some regular succession which is unknown to us[688]: for no burthen of this description could have been imposed upon a citizen by lot. The banquets which were provided at this Liturgy, were different from the great feastings of the people, the expences of which were defrayed from the

biades p. 133. it happened however earlier. Another victory was also obtained by the same person with an ἀνανδρία, a game which also belonged to the Liturgies (in Alcib. ubi sup.) another with a chorus of boys at the Dionysia (Inscript. ap. Chandl. II. 6. p. 48.), and again with a cyclic chorus (Vit. Dec. Orat. p. 229.).

[685] See chap. 22.

[686] Harpocration in v. ἑστιάτωρ.

[687] Demosth. in Mid. pp. 518, 519.

[688] This is φέρειν ἑστιάτορα, Demosth. in Bœot. de Nom. p. 996. 24. The filling the office itself is called ἑστιᾶν τὴν φυλήν, Demosth. in Mid. p. 565. 10.

funds of the Theorica. Entertainments at the festivals of the tribes[689] (φυλετικὰ δεῖπνα) were introduced for sacred objects only, and for the maintenance of a friendly intercourse between the citizens of the tribe, and also from motives agreeable to the spirit of democracy[690]. Delicacies were probably never provided; but meat was given at these banquets, as may be collected from Pollux[691]. If we reckon 2000 guests, and the cost of each at two oboli, which is probably rather under than above the truth, the expences of an Hestiasis may be estimated at nearly 700 drachmas.

[689] Athen. V. p. 185. C.
[690] Cf. Herald. ut sup. II. 1. 12.
[691] III. 67.

ΕΠΙΑΡΧΙΠΠΟΥΑΡΧΟΝΤΟΣΦΡΥΝΙΩΝΟΣΔΗΜΑΡΧΟΥ

[Κ]ΑΤΑΤΑΔΕΜΙΣΘΟΥΣΙΝΠΕΙΡΑΙΕΙΣΠΑΡΑΛΙΑΝΚΑΙΑΛΜΥΡΙ
[Δ]ΑΚΑΙΤΟΘΗΣΕΙΟΝΚΑΙΤΑΛΛΑΤΕΜΕΝΗΑΠΑΝΤΑΤΟΥΣΜΙΣ[Θ]Ω
[Σ]ΑΜΕΝΟΥΣΥΠΕΡΔΔΡΑΧΜΑΣΚΑΘΙΣΤΑΝΑΙΑΠΟΤΙΜΗΜΑΤΗΣΜ
[Ι]ΣΘΩΣΕΩΣΑΞΙΟΧΡΕΩΝΤΟΥΣΔΕΕΝΤΟΣΔΔΡΑΧΜΑΝΕΓΓΥΝΤΗ
[Ν]ΑΠΟΔΙΔΟΜΕΝΟΝΤΑΕΑΥΤΟΥΤΗΣΜΙΣΘΩΣΕΩΣΕΠΙΤΟΙΣΔΕΜ
[Ι]ΣΘΟΥΣΙΝΑΝΕΠΙΤΙΜΗΤΑΚΑΙΑΤΕΛΗΕΑΝΔΕΤΙΣΕΙΣΦΟΡΑΓ
[Ι]ΓΝΗΤΑΙΑΠΟΤΩΝΧΩΡΙΩΝΤΟΥΤΙΜΗΜΑΤΟΣΤΟΥΣΔΗΜΟΤΑΣΕ
[Ι]ΣΦΕΡΕΙΝΤΗΝΔΕΥΛΙΝΚΑΙΤΗΝΓΗΝΜΗΕΞΕΣΤΩΕΞΑΓΕΙΝΤΟ
[Υ]ΣΜΙΣΘΩΣΑΜΕΝΟΥΣΜΗΤΕΕΚΤΟΥΘΗΣΕΙΟΥΜΗΤΕΕΚΤΩΝΑΛΛ
ΩΝΤΕΜΕΝΩΝΜΗΔΕΤΗΝΥΛΗΝΑΛΛΩ ΟΣΗΤΩΙΧΩΡΙΩΙΟΙΜΙΣ[Θ]Ω
ΣΑΜΕΝΟΙΤΟΘΕΣΜΟΦΟΡΙΟΝΚΑΙΤΟΤΟΥΣΧΟΙΝΟΥΝΤΟΣΚΑΙΣ
ΛΛΑΕΝΝΟΜΙΑΤΗΝΜΙΣΘΩ ΙΝΚΑΤΑΘΗΣΟΥΣΙΤΗΝΜΕΝΗΜΙΣ
ΕΑΝΕΝΤΩΙΕΚΑΤΟΜΒΑΙΩΝΙΤΗΝΔΕΗΜΙΣΕΑΝΕΝΤΩΙΠΟΣΙΔΕ
ΩΝΙΟΙΜΙΣΘΩΣΑΜΕΝΟΙΠΑΡΛΙΑΝΚΑΙΑΛΜΥΡΙΔΑΚΑΙΤΟΘΗ
ΣΕΙΟΝΚΑΙΤΑΛΛΑΕΙΠΟΥΤΙΕΣΤΙΝΟΣΑΟΙΟΝΤΕΚΑΙΘΕΜΙΤΟΝ
ΕΣΤΙΝΕΡΓΑΣΙΜΑΠΟΕΙΝΚΑΤΑΤΑΔΕΕΡΓΑΣΟΝΤΑΙΤΑΜΕΝΕ
ΝΝΕΑΕΤΗΟΠΩΣΑΝΒΟΥΛΩΝΤΑΙΤΩΙΔΕΔΕΚΑΤΩΙΕΤΗΙΤΗΝΗ
ΜΙΣΕΑΝΑΡΟΥΝΚΑΙΜΗΠΛΕΙΑΟΠΩΣΑΝΤΩΙΜΙΣΘΩΣΑΜΕΝΩΙ
ΜΕΤΑΤΑΥΤΑΕΞΝΙΥΠΕΡΓΑΣΕΣΘΑΙΑΠΟΤΗΣΕΚΤΗΣΕΠΙΔΕΚ
ΑΤΟΥΑΝΘΕΣΤΗΡΙΩΝΟΣΕΑΝΔΕΠΛΕΙΩΑΡΟΣΕΙΗΤΗΝΗΜΙΣΕ
ΑΝΤΩΝΔΗΜΟΤΩΝΕΣΤΩΟΚΑΡΠΟΣΟΠΛΕΙΩΝΤΗΝΟΙΚΙΑΝΤΗΝ
* * * Λ * * * ΙΑΙΣΤΕΓΟΥΣΑΝΠΑΡΑΛΑΒΩΝΚΑΙΟΡΘΗΝΚΑΤΑΤ*
[ ]Ν*ΩΝΟΡΘΑΙ

Note [A], *p.* 15.

THE present inscription was first published by Chandler (II. 110.) from a very inaccurate transcript, together with a Latin version, such as it is, and without any attempt at explanation. It was afterwards given by our Author in the Appendix to his *Staatshaushaltung* (I. p. 336.), where he corrected many of Chandler's errors; and he has since repeated it with some additional improvements in his Collection of Greek Inscriptions (I. p. 141.). As however after this last edition some difficulties still remained, which the inaccuracy of the transcript made use of by the Author placed in his way, the translator has thought it better to give in the form of a note a more correct copy made from the original inscription, which is now preserved in the British Museum (No. 289.)

The inscription consists of 23 lines without the date, which is written in larger characters upon a projecting ledge of the stone, and has thus all its letters perfect, while the first letter of each of the first nine lines is lost. A transverse blow has destroyed the first seven letters of the twenty-second line, and nearly all the last line; the word ΟΡΘΑΙ appears however to have been the last of the inscription, as a part of the original under surface of the right corner still remains. It is written στοιχηδόν, each of the first fourteen lines containing forty-three letters: but in the fifteenth line the stone-cutter had written ETIN for ΕΣΤΙΝ, and the T was afterwards changed into a Σ, the I into a T, and an I was inserted; so that after the correction the number of letters is forty-four. The remaining lines only contain forty-two letters. There is no difference between O and Θ, and A is frequently put for Α. In the vacancies for one letter in the tenth and twelfth

lines, the surface of the stone appears to be perfectly preserved, and there is no trace of any letter having existed. In the fifteenth line the hineteenth letter was at first E. The whole inscription may be thus written in modern characters.

Ἐπὶ Ἀρχίππου ἄρχοντος, Φρυνίωνος δημάρχου.

[Κ]ατὰ τάδε μισθοῦσιν Πειραιεῖς Παραλίαν καὶ Ἀλμυρί-
[δ]α καὶ τὸ Θησεῖον καὶ τἄλλα τεμένη ἅπαντα. τοὺς μισ[θ]ω-
[σ]αμένους ὑπὲρ : Δ: δραχμὰς καθιστάναι ἀποτίμημα τῆς μ-
[ι]σθώσεως ἀξιόχρεων, τοὺς δὲ ἐντὸς Δ δραχμῶν ἐγγυητὴ-
[ν] ἀποδιδόμενον τὰ ἑαυτοῦ τῆς μισθώσεως. ἐπὶ τοῖσδε μ-
[ι]σθοῦσιν ἀνεπιτίμητα καὶ ἀτελῆ. ἐὰν δέ τις εἰσφορὰ γ-
[ί]γνηται ἀπὸ τῶν χωρίων τοῦ τιμήματος, τοὺς δημότας ε-
[ἰ]σφέρειν· τὴν δὲ ὕλην καὶ τὴν γῆν μὴ ἐξέστω ἐξάγειν το-
[ὺ]ς μισθωσαμένους μήτε ἐκ τοῦ Θησείου μήτε ἐκ τῶν ἄλλ-
ων τεμενῶν· μηδὲ τὴν ὕλην **** ὅση τῷ χωρίῳ. οἱ μισ[θ]ω-
σάμενοι τὸ Θεσμοφόριον καὶ τὸ τοῦ Σχοινοῦντος καὶ τ-
ἄλλα ἐννόμια τὴν μίσθω(σ)ιν καταθήσουσι τὴν μὲν ἡμισ-
έαν, ἐν τῷ Ἑκατομβαιῶνι τὴν δὲ ἡμισέαν ἐν τῷ Ποσιδε-
ῶνι. οἱ μισθωσάμενοι Παραλίαν καὶ Ἀλμυρίδα καὶ τὸ Θη-
σεῖον καὶ τἄλλα εἴ πού τι ἐστίν, ὅσα οἷόν τε καὶ θεμιτόν
ἐστιν ἐργάσιμα ποεῖν, κατὰ τάδε ἐργάσονται, τὰ μὲν ἐ-
ννέα ἔτη ὅπως ἂν βούλωνται, τῷ δὲ δεκάτῳ ἔτει τὴν ἡ-
μισέαν ἀροῦν καὶ μὴ πλείω, ὅπως ἂν τῷ μισθωσαμένῳ
μετὰ ταῦτα ἐξῇ ὑπεργάζεσθαι· ἀπὸ τῆς ἕκτης ἐπὶ δέκ-
α τοῦ Ἀνθεστηριῶνος· ἐὰν δὲ πλείω ἀρόσῃ ἢ τὴν ἡμισέ-
αν, τῶν δημοτῶν ἔστω ὁ καρπὸς ὁ πλείων· τὴν οἰκίαν τὴν
[ἐν Ἀ]λ[μυρ]ίδι στέγουσαν παραλαβὼν καὶ ὀρθὴν κατὰ τ[ὴ-
ν συνθήκην. πᾶσαι δὲ αἱ οἰκίαι παραδιδόσθ]ων ὀρθαί.

In the second line, Δ is supplied from the fourteenth line, where it is written quite distinctly[1]: l. 3. ΕΓΓΥΝΤΗ[Ν], and l. 19. ΕΞΝΙ, for ἐγγυητὴν and ἐξῆ; l. 8, ΥΑΙΝ for ὕλην; l. 11. Σ for Τ (τἄλλα ἐννόμια[2] as in l. 2. τἄλλα τιμίνη ἅπαντα, and l. 15. τἄλλα εἴ πού τι ἐσσίν); l. 4. ΔΡΑΧΜΑΝ for δραχμῶν; l. 18. ΠΛΕΙΑ for πλείω; and l. 17. ΕΤΗΙ for ἔτει are apparently mere errors of the engraver: but ποσιδιῶνι in l. 13. ποιῖν in l. 16. and ἀρόσει in l. 20 are probably intentional.

The only difficulty is caused by the word which succeeds ὕλην in the tenth line. The sense appears to require the infinitive mood of a verb signifying *to damage*, or *to cut*, or some equivalent expression. Ἀμᾶν has the proper number of letters, but the letter which follows the second Α appears to be Ω[3]. In the twentieth line also the sense seems to require ἀρόσωσι for ἀρόσῃ; but the participle παραλαβὼν is evidently meant to refer to one person. Perhaps the chief tenant occupied the house in Halmyris. The word in the twenty-third line, which Chandler could not read, is ὀρθόν; the letters are however quite distinct: the last word in the inscription is also ὀρθαί. It is used in the same sense by Thucydides (V. 42.), where he says that the Athenians thought that they were wronged by the destruction of Panactum, ὃ ἔδει ὀρθὸν παραδοῦναι, and in chap. 46. Πάνακτόν τε ὀρθὸν ἀποδιδόναι καὶ Ἀμφίπολιν. The words inclosed between brackets in the last line are restored upon mere conjecture, and probably are not far from the sense.

[1] Lex. ap. Bekk. Anecd. p. 383. 16. Ἀλμυρίδες: τόποι τις περὶ τὰς ἰσχατιὰς τῆς Ἀττικῆς. Ἀριστοφάνης Τηρεῖ (f. Γήραι).

ἴδοι δέ γ' εἴ σε βληθεῖσαν εἰς ἁλμυρίδας
. . . . . τηδὲ μὴ παρείχειν γε πράγματα.

[2] The word ἐννόμιον is rendered in the text by *pasture-land*, according to the last explanation of the Author in his work on Inscriptions. It is used in a slightly different sense to signify a *fee for pasturing* in an Orchomenian inscription. (Rose Inscript. Græc. p. 274. and see the editor's note).

[3] The Author has suggested two different methods of explaining this passage; but they afford no assistance, as he was not aware that it was necessary to supply a letter.

of the original. In the place of the ninth letter from the end there appear however to be some traces of a N.

If, as the Author supposes (p. 15.), a public notice or proposal, such as the present inscription, could afterwards become a contract of lease between the landlord and tenant, by the addition of the names of the parties, &c. some corrections would doubtless have been made at the same time: the Athenian law could not otherwise have required minute accuracy in such documents; for I apprehend that the many instances of careless spelling which occur in this inscription, would be fatal to any formal agreement in modern days.

THE PUBLIC ECONOMY OF ATHENS.

BOOK IV.

(1.) THE Extraordinary Revenues of the Athenian State, which stand next for consideration, were either provided for as occasion required, according to some established law or custom, or they were raised by arbitrary measures, which, though repugnant to the spirit of the constitution, the State was induced to have recourse to in order to relieve itself in pecuniary distresses. With regard to the first of these modes, the imposts were of two kinds, the one a fixed and direct tax, the other the Liturgies. An acquaintance with both these methods of taxation presupposes an investigation into the national wealth and valuation of Attica, without which every enquiry of the sort must be considered imperfect, obscure, and barren; yet the writers on the Liturgies up to this time have hardly bestowed a thought upon the subject. Such an investigation is indeed entangled with no small difficulties, so few, so incomplete and indeterminate are the data which have come down to us. This examination however will be most suitably combined with that of the property-tax (εἰσφορά), with which the determination of the national wealth is most closely con-

nected. For it seems to have been thought that the great demands which were occasioned by war could not be satisfied in any better manner than by taxes upon property; from which very circumstance it may be concluded that these imposts did not exist in very early times. Before the Peloponnesian war the Athenians had no occasion to raise frequent and considerable taxes on property; the citizens served for a long time without pay, the ships were equipped by the Trierarchs, the sieges produced but little expence, as the art of conducting them was still in its infancy; in later times, when pay was introduced, and wars had become more costly, the expences were defrayed out of the tributes. It may therefore be reasonably doubted whether, before the period alluded to, any direct tax whatever had been imposed at Athens. If any had been levied, it must have been under the name of a duty connected with the valuation (τέλος); a point indeed upon which we are almost wholly uninformed, although it appears to have been sometimes resorted to, since every institution necessary for it was in existence, and the enquiry as to the services due according to the valuation was already in use. Of this however elsewhere. In the mean time it is certain that the first regular property-tax (εἰσφορά) was occasioned by the siege of Mytilene in Olymp. 88, 1, when, the public treasure being exhausted, 200 talents were thus raised. This Thucydides[1] expressly

[1] III. 19. which passage should evidently be thus written; Προσδεόμενοι δὲ οἱ Ἀθηναῖοι χρημάτων εἰς τὴν πολιορκίαν καὶ αὐτοὶ ἐσενέγκαντες τότε πρῶτον εἰσφορὰν διακόσια τάλαντα, ἐξέπεμψαν καὶ ἐπὶ τοὺς ξυμμάχους ἀργυρολόγους ναῦς δέκα, &c. Comp. Poppo Obser. p. 162. [The following remarks upon this passage are made by Tittmann, in his *Darstellung der Griechischen Staatsverfassungen*

testifies; and it is to be observed, that he does not mean merely the first property-tax in the Peloponnesian war, but the first absolutely; for such is the correctness of his style, that he would have more distinctly signified the former meaning, had he intended to convey it. Thus the property-tax is also by its later origin distinguished from the Liturgies.* In subsequent times however these taxes appear to have recurred in frequent succession, for even in Olymp. 88. 4. Aristophanes[2] speaks of their imposition as a common event; but for any other object than war, a property-tax was not levied without difficulty at Athens, unless it happened that the funds of the administration had been already applied to the uses of war, and it was necessary that they should be replaced by a property-tax; or that money was required to pay off loans, as was the case after the government of the thirty tyrants; although in other

p. 41. note 31. "That the extraordinary property-tax was not introduced at Athens until the Peloponnesian war, cannot, as it appears to me, be proved from Thucyd. III. 19. the only meaning which this passage can have is, that the amount before collected had never been so great as 200 talents. We are told that the Naucrari collected the property-taxes (Pollux VIII. 108. Hesychius in v. ναύκλαρος, Ammonius in v. ναύκραροι, Thomas Magister in v. ναύκληροι, and Böckh himself remarks it in book IV. chap. 6.); but the appellation Naucrari in this sense did not exist after the time of Cleisthenes (Schol. Aristoph. Nub. 37. Harpocration in v. δήμαρχος, Photius in v. ναυκράρια 2, all from Aristotle), and therefore we are compelled to suppose that property-taxes had existed at Athens before the time of Cleisthenes. And it appears also from Thucyd. I. 141. that the extraordinary property-taxes levied in war were throughout Greece in general before the Peloponnesian war, particularly in Sparta, and probably in Athens as well."]

[2] Eq. 922.

States property-taxes were sometimes imposed in time of peace to provide even for the payment of salaries[3]. For this reason the generals were not only entrusted with the management and collection of these taxes, under the regulation of a decree of the people, but they presided over the court of justice, in which the disputes connected with this subject were decided[4]; as, for example, when any person was too highly rated, which in early times, either from hatred or revenge, not unfrequently occurred[5]. It is to be observed, that no citizen could be exempted from the property-tax, although this privilege was once granted to some resident aliens, who had probably obtained an immunity as members of a foreign State before the period of their settlement in Attica[6]. According to Demosthenes this was neither permitted by recent nor ancient laws, not even for the descendants of Harmodius and Aristogiton[7]. The exemption supposed to have existed in favour of the merchants cannot be looked upon as at all established[8]; orphans were indeed exempted from the Liturgies, but not from the property-taxes, as Heraldus has remarked[9]; for Demosthenes paid them when an orphan, and if it had been done voluntarily, he would not have failed to dwell upon such a circumstance, where he boasts of having been the leader of a Symmoria during his minority[10]. Even the Trierarchs were obliged to pay

[3] Aristot. Polit. VI. 5.

[4] Wolf Proleg. in Lept. p. XCIV.

[5] Aristoph. ut sup.

[6] See below chap. 10.

[7] Demosth. in Lept. §. 15. (p. 462. 15.) §. 22. (p. 465. 1.)

[8] See book I. 15.

[9] Anim. VI. 1. 7.

[10] In Mid. p. 565. Another example of a property-tax paid

this impost[11]; and the only payment from which they could legally be exempted was the advance of the property-tax[12]. Other opulent persons, if they had not to serve the Trierarchy, were *a fortiori* liable to the property-tax; so that all other members of the community, who were subject to the performance of Liturgies, were bound to pay it, even if they could not be forced to serve the Trierarchy[13]; it is in fact evident from the nature of the case that all persons who were not completely destitute were subject to this tax, even if they were incapable of performing Liturgies.

(2.) But how much the State took from the property of individuals, what sum could be supplied, if a fixed portion of it was required, and according to what principles the taxation was assessed, cannot be clearly understood without a knowledge of the national wealth. Since then I shall endeavour to explain this question, it will not be foreign to our purpose in the first instance to enquire what the sources of wealth were which Attica actually possessed, and whether that care for the increase of the national wealth, which has (no matter whether successfully or not) been taken up by modern governments, was an object much considered by the administration of Athens. Not to dwell on this subject longer than is necessary, I shall content myself with remarking, that in a democracy the importance of the welfare and prosperity of the people must have been more evident than under any other form

for wards occurs in Isæus ap. Dionys. Is. p. 108. 5. according to the correct explanation of Reiske, Or. Græc. vol. VII. p. 331.

[11] Xenoph. Œcon. 2. 6. Lys. ἀπολ. δωροδ. p. 698. sqq. pro Aristoph. bonis p. 633. Demosth. in Lept. §. 24 (p. 465. 25.)

[12] See book III. 21.

[13] Demosth. in Lept. ibid.

of government. Poverty would either produce troubles and violent commotions, or the burthen of maintaining the poor would press on the community at large. If the distress should be prolonged, the possibility of enforcing the public Liturgies would be rendered doubtful. It is thus that the wealth of the citizens produced far more immediate advantage to the State than with any other constitution whatever. "The Liturgies voluntarily performed by individuals from their own property, must be considered," says a client of Lysias[14], "as the surest revenues of the State. If therefore you counsel well, you will take no less care of our property than of your own; since you well know that you will be able to make use of all our resources, as you have done before. And I should conceive that you are all well aware that I am a better manager of my own affairs than those who administer the property of the State: if you make me poor, you will at the same time injure yourselves, and others will squander away my money, as has been so often the case before." But although the prosperity of the commonwealth depends upon the welfare of individuals, yet the remark that every one is the best manager of his own property seems to have been evident to the Athenians, and, with the exception of Sparta, to the other States of ancient Greece: they thought that every one could best take care of himself, and that artificial assistance was unnecessary. Again, in the best times of the Athenian State nothing existed which could have impeded the public welfare; except that the Liturgies, if they were unequally divided, were attended with pernicious consequences. The property-taxes were only imposed in times of war, and the duties of customs and

[14] Lys. ἀπολ. δωροδ. p. 704.

excise were inconsiderable. Attica derived her prosperity from agriculture and the breeding of cattle, from manufactures and commerce. For the encouragement of trade every thing was done which was considered advantageous. Retail-trade or shopkeeping was not indeed an honourable employment, but according to law it could not bring disgrace upon any one[15]. Agriculture stood high in the public estimation, and particular branches of it were protected by law, such, for example, as the cultivation of olives. Mining flourished as much as circumstances would permit: nor was the breeding of cattle discouraged by any taxes, as in countries under a despotic government. No restraint was ever placed upon industry at Athens[16], although manual labour was considered unworthy of a citizen. The law proposed by Diophantus, as it was never actually passed, must not be quoted as an example to the contrary; this person wished to degrade the manual labourers to the condition of public slaves (δημόσιοι); that is, to deprive them of the rights of citizenship, and to reduce them to a condition similar to that of the Cretan Clarotæ, the Penestæ, or the Helots; a project altogether at variance with the spirit of the age, and emanating from the violence of aristocratical oppression, by the operation of which Athens would have been again degraded to that level above which she had raised herself ever since the time of Solon. This attempt however was just as impracticable as if it had been wished again to introduce bondage in a State where it had been long abolished, or to make the citizens in the republics the slaves of the nobility. Many demagogues particularly encouraged manufactures and

[15] Petit Leg. Att. V. 6. 5.

[16] Comp. book I. 9.

industry, as has been noticed in different places; and in few States were they so flourishing as in Athens. According to very ancient laws vagrants who followed no occupation were not tolerated; every person was obliged to signify by what means he supported himself[17]. Against the unemployed poor the action for idleness (δίκη ἀργίας) could be instituted[18]: the law did not even allow unemployed slaves (ἀργοὶ οἰκέται) to be kept[19]. Parents were bound to cause their children to be taught some profession, or they had no claim to be maintained by them in old age[20]. Unfortunately indeed those laws, as is usually the case, fell into disuse, as the powers of the State were more fully developed, and by means of wars and their system of judicature, many hands were withdrawn from labour; the wages in the assembly, in the courts of justice, and in the army and navy, were looked to as professional rewards; and they appeared the less disadvantageous to the State, as the expences were in great part defrayed out of the revenues of foreign countries.

(3.) In order to form an idea of the national wealth of Attica, it is first of all necessary to bring forward examples of the property of individuals (though from their nature they cannot be perfectly vouched for), so that by a comparison of them it may be made evident what was a small, and what a moderate, or a large property, particularly with regard to the interval of time between Pericles and Alexander. Previously to this period, property

[17] Herod. II. 177. Diod. I. 77.

[18] Comp. Petit V. 6. 1.

[19] Petit II. 6. 12.

[20] Petit II. 4. 13. 16. [So also Dionysius Ant. Rom. XX. 2. Ἀθηναῖοι μὲν δόξης ἔτυχον, ὅτι τοὺς ῥαθύμους καὶ ἀργοὺς καὶ μηδὲν ἐπιτηδεύοντας τῶν χρησίμων, ὡς ἀδικοῦντας τὸ κοινὸν ἐζημίουν.]

when valued in silver, was naturally of far less amount, The Alcmæonidæ were always a noble and wealthy family at Athens; but their fortunes were chiefly raised in the age of Solon by Alcmæon the son of Megacles, Crœsus having made him a present of twice as much gold as he could carry [21]. In this manner he might have received about five talents of gold, which at the most amounted to 75 talents of silver; his former property was probably not a third or fourth part of this sum: and although he may at that time have far exceeded all his fellow-citizens in wealth, yet at a later period this would no longer have been the case. On the other hand, we meet in the same age with many instances of inconsiderable properties; how many persons were there who had not so much as a talent, or even less than ten minas; of which it is needless to quote any examples, as poverty was generally prevalent. The possessor of a talent was able indeed to live upon it, so that he was not exactly classed with the indigent; but yet a property of this amount was always inconsiderable. Families of one or two talents (οἶκοι ταλαντιαῖοι, διτάλαντοι) which were numerous, did not therefore serve any Liturgies [22]. Families possessing three, four, and five talents are frequently mentioned; thus Æschines the orator inherited an estate of five talents, which he farther increased by his own gains; thus, for example, he added to it, according to Demosthenes, two talents, which the managers of the Symmoriæ had given him [23]. Isæus [24]

[21] Herod. VI. 125. and the commentators.

[22] Book III. 21.

[23] Demosth. de Corona p. 329. 15.

[24] De Hagn. Hered. p. 294. In order to understand this passage I must make the following remarks. The speaker's property is stated to be about 110 minas less than the property of

furnishes an instance of an estate of nearly four talents, one of whose clients states that he had land in Œnoë worth fifty minas, together with the estate of Hagnias amounting to two talents forty minas, to which ten minas must be added for some item that has fallen out of the MSS. making altogether three talents forty minas. Stratocles and his brother, according to the account of Isæus[25], received from their father a fortune just sufficient for their maintenance, from which however they were not able to perform any Liturgies; Stratocles by the adoption of his daughter obtained a property of more than 2½ talents, and gained by being in possession of this sum for nine years 5½ talents, partly in money, raw products, and cattle, partly in lands and agricultural implements, which together with the property of his daughter amounted to eight talents. The property of Critobulus is estimated by Xenophon[26] at 500 minas (8⅓ talents) and over: he was considered a rich man. Timocrates was possessed of more than ten talents[27]; Dicæogenes had an annual income of 18 minas[28], which implies a property of about 11 talents, and

Stratocles. Now the property of Stratocles amounted to 330 minas; consequently the property of the former person must have been 220. Something must therefore have fallen out, and be restored in some such way as this: χωρίον ἐν Οἰνόῃ πεντακισχιλίων, οἰκία χιλίων. The πρὸς δὲ τούτοις which follows shews that two separate sums preceded. As to the rest the calculation is quite clear, and though Reiske cannot see his way through it, we excuse him for the sake of his frank confession (p. 295.): *Verum, fatebor enim, ad calculandum et omnes omnino artes mathematicas invita Minerva natus sum.*

[25] Ibid. p. 292 sqq.

[26] Œcon. 2. comp. book I. 20.

[27] Demosth. in Onetor. I. p. 866. extr.

[28] Isæus de Dicæog. Hered. p. 110.

this was looked upon as something considerable. Diodotus, a merchant in moderate circumstances, was possessed, according to the statement of Lysias[29], of five talents of silver, which he paid down to the guardian appointed for his children; he had 7½ talents vested in bottomry, and 1000 drachmas in the Chersonese, and besides bequeathed to his wife 2000 drachmas and 30 Cyzicenic staters; to this must be added the furniture of his house, and perhaps an estate in the Chersonese, from which his family received supplies of corn every year, amounting altogether to 14 talents. Demosthenes' father left at his death 14 talents, his mother had a dowry of 50 minas, so that the property of the son was estimated in the registers of the valuation at 15 talents[30]. Under it the following hereditaments were comprised; two workshops with thirty sword-cutlers and twenty chair-makers, a talent lent out at 12 per cent, together valued at 4 talents 50 minas, the yearly profit of which was 50 minas; moreover about 80 minas in ivory, iron, and timber, 90 in varnish and brass; a house worth 30 minas, furniture, cups, gold, clothes, ornaments, belonging to his mother, worth 100 minas, 80 minas in ready money, 70 minas lent out upon bottomry, and 106 minas lent out in other ways, altogether about 14 talents: the female slaves are also to be counted[31]. Phænippus[32] had an estate on the borders

[29] In Diogit. p. 894 sqq. I cannot see any sufficient reason why Canter and Taylor (p. 902. Reiske) should wish to read 2000 drachmas in the Chersonese instead of 1000. [The former number has however been received by Bekker from a MS. Or. Att. I. p. 469.]

[30] Demosth. in Aphob. pp. 814, 815.

[31] P. 828. 2.

[32] See the speech against Phænippus p. 1040. and there Reiske.

in Cytheron, of 40 square stadia at the lowest, the yearly returns of which were more than 1000 medimni of barley and 800 metretæ of wine, from which in dear times, when barley was at 18 and wine at 12 drachmas, he received 27,600 drachmas: if we only take the fourth part as the common price (although the orator assumes the third part), he received from it regularly an income of 7000 drachmas: besides this he sold wood from it every year which produced 40 minas. He had therefore an annual income of about 110 minas, whence his estate, according to the usual interest of 12 per cent, cannot be estimated at less than 15 talents. The possessor of this amount of property was considered as a person of some opulence, as the rate of interest was so high and the prices of commodities so low. At the same time many Athenians were far wealthier. Onetor, according to Demosthenes[33], was possessed of more than 30 talents; Ergocles is also said to have embezzled the same sum[34]. The property of Isocrates cannot have been less, for he had at one time about 100 scholars, and received from each ten minas, from Timotheus a talent, from Euagoras 20 talents[35]. Conon left at his death about 40 talents, of which he bequeathed 5000 staters, about 100,000 drachmas to Minerva and the Delphian Apollo, 10,000 drachmas to a relation, three talents to his brother, after which 17 talents remained for his son Timotheus[36]: perhaps however only the ready money is intended, for the family appears to have possessed much landed property from early times[37]. Stephanus the son of

[33] In Onetor. p. 867. 1.

[34] Lysias in Philocr. p. 828.

[35] Lives of the Ten Orators.

[36] Lys. pro Aristoph. bonis p. 639.

[37] Plutarch. Solon. 15.

Thallus passed for a man worth more than 50 talents, yet he only left behind him[38] 11 talents, probably because he had squandered away much money in the course of an extravagant life. In the same manner Ischomachus was considered in his lifetime to have possessed more than 70 talents[39], but flatterers and parasites had consumed his substance[40], and it cannot be wondered at that he left at his death less than it was thought that he possessed; it is only a matter of surprise that Xenophon[41] should quote this man, if the same person is really meant, as an example of economy. The property of the celebrated banker Pasion, a naturalized foreigner, was of equal magnitude; he possessed about 20 talents in land, including a shield-manufactory, and slaves which produced a talent a year; and in addition to this, 50 talents of money lent out at interest, of which 11 talents were not his own[42]. His houses alone yielded a rent of 30 minas a year; the banking shop produced an annual income of 100 minas. His son Apollodorus, who inherited the half of his property, not only lived extravagantly, but devoted a large part of his property

[38] Lysias ut sup. p. 648.

[39] Lys. ut sup. p. 647.

[40] Heraclid. ap. Athen. XII. p. 537. D.

[41] Œcon. 6 sqq.

[42] Demosth. in Phorm. pp. 945, 946. The words Ἐν οὖν τοῖς πεντήκοντα ταλάντοις occasion in this place a considerable difficulty, which the commentators have not thought proper to touch upon. According to the sense their meaning must be, that together with his own 50 talents he had also lent out 11 belonging to other people. Heraldus (II. 5. 13 sqq.) therefore proposes to read σὺν οὖν: perhaps however ἐν can be retained, in the sense of *among* his own 50 talents, *between* them, as it were intermixed with them.

to the public service[43]. It appears also from the works of Demosthenes, that he was involved in many law-suits; which will account for his being found to possess no more than three talents[44] when he was called upon to pay a large fine, although he is said to have received more than 40 talents in twenty years.

Among the wealthy families I should first mention the house of Nicias. Nicias the son of Niceratus, the unfortunate general, was remarkable for his large possessions, from which he contributed munificently both to the State and to the worship of the gods[45]. This is the person whom Athenæus calls the richest of all the Greeks; his property was so considerable that, according to Xenophon, he had a thousand of his own slaves in his mines[46]. That this is the individual alluded to by Xenophon does not require any proof, for he is evidently speaking of a person of the age of Socrates; his property however was valued at 100 talents, consisting chiefly of moveables[47]. His son Niceratus, who is called nearly the most distinguished and the wealthiest person in Athens[48], was killed at the time of the thirty tyrants, who were tempted by his property to put him to death. He affirmed that he neither left behind him gold nor silver; but his son Nicias received 14 talents in land, and other property[49]. I conjecture

[43] Demosth. ut sup. p. 956 sqq.

[44] Orat. in Neær. p. 1354. 16.

[45] Thucyd. VII. 86.

[46] Athen. VI. p. 272. E. Xenophon. Memorab. II. 5. 2. de Vectig. 4. 14. Plutarch. Nic. 4. comp. book I. 13.

[47] Lys. pro Aristoph. bonis p. 648.

[48] Diod. XIV. 5. comp. Xenoph. Hell. II. 3. 18. Lys. in Poliuch. p. 602. Plutarch. Es. Carn. II. 4.

[49] Lys. pro Aristoph. bonis ut sup. The date of this oration is

therefore that Niceratus had previously made some secret transfer of his property, and I find a slight confirmation of this supposition in the account given by Isocrates[50] of a Nicias, who in the time of the thirty tyrants mortgaged his lands, sent his slaves out of the country, and gave his money and furniture in trust to a friend. This was probably the son of the Nicias who was executed, and it is possible that his father may have transferred the property to him previously to his voyage from Athens; the Nicias of Pergase, who squandered away his substance with flatterers[51], is probably the same person; and Niceratus of Acherdus, notwithstanding the difference of the borough, appears to be his son, whom Demosthenes[52] calls a son of Nicias, beloved, childish,

Olymp. 98. which must be observed in order to prevent any confusion between the different individuals of this family.

[50] In Euthyn. 3.

[51] Athen. XII. p. 537. D. Ælian. V. H. IV. 23.

[52] In Mid. p. 567. 24. cf. p. 564. 24. The same person is probably meant in Demosth. de Fals. Leg. p. 534. 15. in Conon. p. 1266. 26. In this account of the family of Nicias having paid no regard to the errors of modern scholars, I will now touch upon them slightly. The confusion which St. Croix (Mém. de l'Acad. des Inscriptions, T. XLVIII. pp. 165, 172.) has made, is the most singular, who refers the passages of Xenophon and Athenæus concerning Nicias the general, who was executed in Sicily, to his uncle Nicias, and asserts of the other that he died childless, referring to Demosthenes against Meidias, where his great uncle Niceratus is said to have died without children. Markland (ad Lys. pro Aristoph. bonis) supposes that the childless Niceratus was the Nicias who was executed in Olymp. 94. 1. and by that means involves himself in inextricable difficulties, from which he wishes to relieve himself by an absurd emendation: the truth however is that the one was the grandfather of the other. The elder died in Olymp. 94. 1. the younger was living after the

and effeminate, who was still alive in Olymp. 106. 4. and since he was able to perform the Trierarchy, must have still retained a considerable property; with him this celebrated family became extinct. Still more distinguished both in rank and in wealth was the family of Hipponicus and Callias, who derived their origin from Triptolemus, and had the hereditary dignity of torch-bearer (δᾳδοῦχος) in the Eleusinian mysteries[53]. The first of this family whom we hear of was the Hipponicus, who is said to have bought much land a short time before the changes introduced by Solon in the 46th Olympiad[54]. It should be observed however that as a charge of having obtained his wealth unjustly is implied in this statement, it may have originated in the envy of his countrymen. Phænippus, the father of the first Callias, was probably his brother; this Callias had large possessions, and he bought the property of Pisistratus as often as he was driven out[55], expended much money in keeping horses, was conqueror in the Olympic games, gave great dowries to his daughters, and permitted all three the liberty of choosing among the Athenians whatever husbands they wished: his son Hipponicus the second, surnamed Ammon, is said to have been made still richer than his father by the treasures of a Persian general which Diomnestus of Eretria had acquired on the first irruption of the Persians into Greece (Olymp.

time of the suit against Meidias. That the former had a son may be also seen from Lys. in Polluch. p. 604. Spalding also (ad Mid.) and Reiske (Ind. Histor. ad Demosth.) have confounded these two persons.

[53] Xenoph. Hell. VI. 3. 2. Andoc. de Myst. p. 57 sqq. and elsewhere in the account of Callias the second.

[54] Plut. Solon. 15.

[55] Herod. VI. 121.

72. 3.), and which upon the second invasion he gave in custody to Hipponicus; and the latter, as all the captive Eretrians were sent to Asia, was unable to return them[56]; a story, which is deserving of credit, since even the name of the Eretrian is mentioned. Callias the second, the torch-bearer, called Laccoplutus from his great riches, was the son of this Hipponicus; he was held to be the richest of the Athenians[57], and his property was valued at 200 talents[58]; he was appointed ambassador to the Persian court, and subsequently paid a fine of 50 talents to the State[59]. He is said to have obtained his cognomen from an occurrence which took place at the battle of Marathon, at which there can be no doubt that he was present: the story is, that a Persian pointed out to him a treasure buried in the earth, that he killed the communicator of the secret, and carried away the money; it is however more probable that this fable arose from his

[56] Heraclid. Pont. ap. Athen. XII. p. 536. F.

[57] Plut. Aristid. 25.

[58] Lys. pro Aristoph. bonis p. 649 sqq.

[59] See book III. 12. The author mentions in the Addenda that "since Callias the second, the torch-bearer, gained such fame by the conclusion of the peace of Cimon, that the Athenians are said to have erected at that time an altar to Peace (Plutarch. Cimon. 13.), one might be inclined to question the reality of the fines to which he is said to have been condemned. Pausanias (1. 8. 3.) on the other hand, influenced by the latter circumstance, appears even to question the merits of Callias as merely relying upon popular report; the Athenians indeed recognized them by the erection of a metal statue to his memory, which however, as well as the statues of Lycurgus, of Demosthenes and of the Goddess of Peace, together with which it stood, were unquestionably not erected till later times, and for that reason cannot afford any decisive testimony in favour of Callias."

cognomen, and from the account handed down concerning his father, especially as the story is differently narrated, and the battle of Salamis substituted for that of Marathon[60]. His large possessions passed into the hands of his son Hipponicus the third, whose wife afterwards married Pericles; in family and riches this one too is ranked among the first of the Greeks[61]. According to Xenophon he had 600 slaves in the mines, and is even said to have applied for and obtained permission from the State to build a house upon the Acropolis, in which to deposit his treasures, as they were not sufficiently secure at his own residence; a circumstance which appears afterwards to have vexed him when he was reminded of it by his friends[62]. His daughter, who married Alcibiades, received a dowry of ten talents, which was the first instance of so large a sum having been given by a Grecian; ten others were to be added when she had a son[63]. Hipponicus was killed in the battle of Delium (Olymp. 89.) where he was general: and Callias the third, the torch-bearer, succeeded him, who must have inherited his father's property when a youth; he was celebrated for his riches and liberality. Sophists, flatterers, and courtesans, helped to consume his substance. When he filled the situation of general (Olymp. 96. 4.) he probably spent his own private fortune in preference to what he had obtained: the duties of the Spartan Proxenia may also have been performed by him in an expensive manner. About the 98th Olympiad

[60] The passages are Plut. Aristid. 5. Schol. Aristoph. Nub. 65. Hesych. Suid. and Photius in v. λακκόπλουτος.

[61] Andoc. de Myst. p. 64. Isocr. περὶ τοῦ ζεύγ. 13. Plut. Alcib. 8.

[62] Heraclid. ut sup.

[63] Plut. Alcib. ut sup. Andoc. in Alcib. p. 117.

his property did not amount to two talents; and at an advanced age, after having gone as ambassador to Sparta so late as in Olymp. 102. 2. he died in indigence[64]. His son Hipponicus the fourth cannot therefore have been much richer. Whether Callias, the son of Calliades, who gave Zeno 100 minas for instructing him[65], and, as is evident from this fact, was a man of considerable wealth, belonged to this family, cannot be determined; but the rich Callias of inferior descent, who obtained his property by mining, and who paid for Cimon the great fine imposed on Miltiades[66], was unconnected with this race. The property of Alcibiades, who was doubly related to the noble Callias, was very considerable. His family estate only, indeed, amounted to 300 plethra of land, although Cleinias, his ancestor, doubtless his great-grandfather, is mentioned among those who made a dishonest use of the Seisachtheia of Solon, for the purpose of increasing their

[64] Concerning the reduced circumstances of this Callias, see Heraclid. ut sup. Lysias ut sup. (in Olymp. 96.) Ælian. Var. Hist. IV. 16. 23. and compare Perizonius upon the latter passage. Concerning him as general, ambassador, Daduchus, and Spartan Proxenus, see Xenoph. Hell. IV. 5. 13. V. 4. 22. VI. 3. 2 sqq. and in order to obtain the date of the event mentioned in the last passage, Diod. XV. 51. and the Commentators. The jest of Iphicrates in Aristot. Rhet. III. 2. refers to the poverty of this noble and idle torch-bearer. He is well known from Plato. Many have written upon this family, particularly Perizon. ad Ælian. V. H. XIV. 16. Larcher ad Herod. VI. 121. Küster ad Aristoph. Av. 284. and the writers quoted by Fischer ad Plat. Apol. 4. I have only here wished to adduce what relates to their wealth, and to the distinction between the different individuals.

[65] Plat. Alcib. I. p. 119. A. and there Buttmann.

[66] Plut. Cim. 4. Nepos Cim. I.

property[67]; and the ornaments of his mother Deinomache are estimated by Socrates, as mentioned in Plato (or whoever was the author of the first Alcibiades), at only 50 minas. There cannot however be any doubt that he had much other property, for his father Cleinias had a trireme of his own in the Persian war, which he manned at his private cost; and his gains could not have been trifling during the four or five years that he was general, as the different states willingly gave him twice as much as they gave to others: his property was estimated at more than 100 talents, and if we find that he left behind him less than he had received from his guardians[68], it can only be explained by his profligacy and extravagance, and the extraordinary reverses of his life. Upon the whole the office of general and places connected with the administration of public money enriched the persons who filled them. Themistocles was not possessed of three talents before he entered upon the management of public affairs, and he had no scruples about taking money when any favourable occasion offered. Thus he received thirty talents from the Eubœans for an object of great utility, of which he embezzled twenty-five, having attained his purpose with only five[69]; when he fled to Asia, he saved part of his property by the assistance of some friends, and yet what accrued to the State according to Theopompus amounted to 100 talents, according to others to still more, and according to Theophrastus to eighty[70].

[67] Plat. Alcib. I. p. 123. C. Plut. Sol. 15. With regard to the double relationship, Alcibiades' mother was of the family of Hipponicus (Dem. adv. Mid. p. 561. 20. comp. Spalding p. 74 sqq.) and he himself married the sister of Callias.

[68] Lys. de Aristoph. bonis p. 654.

[69] Herod. VIII. 4, 5.

[70] Plut. Themist. 25. Ælian. Var. Hist. X. 17.

Cleon the leather-seller was so deeply involved in debt, that nothing that he had was unmortgaged; before he became a demagogue, his well-known covetousness gained him fifty, or according to another reading, 100 talents[71]. The account is unquestionably exaggerated which Dinarchus[72] gives of Demosthenes having by Persian and other bribes gradually obtained 100 talents, although he was not possessed of any landed property, and was not even able to pay the fine, when judgment was passed against him in the case of Harpalus. Of others who lived in the same age the last I shall mention is Diphilus, whose confiscated property produced 160 talents[73]. Common report ascribed to Epicrates, as Lycurgus mentioned, a property of 600 talents[74].

Although these data are not sufficient to express the national wealth in a determinate number, yet they justify us in general in asserting that it was not inconsiderable, as compared with the actual circumstances of Greece. Demosthenes[75], in reference to this very point, states, that the resources of Athens were nearly equal to those of all the other States. It appears however that in the better times property was divided into nearly equal portions; that is to say, most persons had only as much as they used; no one was so poor that he disgraced the State by begging[76]:

[71] Ælian. ut sup. and there Perizon.

[72] Adv. Demosth. pp. 50, 51.

[73] Lives of the Ten Orators in the Life of Lycurgus. Comp. above book I. 7. and my Treatise upon the Silver-mines of Laurium.

[74] Harpocrat. and Suidas in v. Ἐπικράτης.

[75] De Symmor. p. 185. 2. cf. adv. Androt. p. 617. 12. Thucyd. I. 80. II. 40.

[76] Isocrat. Areopag. 38.

the rich however shared their property with the poor in order to obtain popularity, as was the case with Cimon; and when we are told that the People was poor (πένης)[77], this statement refers to the more recent times; nor, according to the Grecian idiom, does it mean that the majority of the nation were wholly destitute of property. The land also appears to have been much divided; even wealthy citizens, such as Alcibiades or Aristophanes[78], did not possess more than 30 plethra, or thereabouts. In the age of Demosthenes we meet with complaints for the first time that individuals got possession of too many, or very extensive estates[79]; of which Phænippus and Pasion the banker are instances. At the return of the people after the overthrow of the thirty tyrants, there were not more than 5000 citizens who did not possess any land[80], and some of these probably had other property. In later times, although it appears that many of the citizens fell into great poverty, and that a few only rose to opulence, the wealth of individuals never reached such a height as in the despotic government of Macedonia, and in the Roman empire; whence Cicero[81] declares that 50 talents was a great sum of money, particularly at Athens in the age of Alexander. When Antipater in Olymp. 114. 2. deprived all Athenians of the full rights of citizenship who did not possess 2000 drachmas, 12,000 persons[82] are said to have been thus excluded; consequently not more than about 9000 can have been possessed of that sum: in the time of Cassander ten

[77] Xenoph. de Vectig. and de Rep. Ath.

[78] Mentioned by Lysias. See book I. 11.

[79] Book I. 12.

[80] Dionys. Hal. Lys. p. 92. 44. ed. Sylb.

[81] Tusc. V. 32.

[82] Book I. 7.

minas were sufficient qualification for the full rights of a citizen[83]: these rates are so low, that it might seem preferable not to consider them as estimates of the whole property, but as fixed parts of it with reference to the imposition of taxes, which was the nature of the valuations of Solon and Nausinicus; but this is again impossible, as in that case too large an amount of property would have been requisite to entitle the possessor to the rights of citizenship; we must therefore consider those rates as real valuations of property, and conclude that Athens had greatly declined in wealth. For the earlier times it would be important to know how much property qualified a citizen for admission among the 5000 Hoplitæ during the government of the Four hundred; but we only know in general that bodily strength and opulence were requisite[84].

(4.) Concerning the total amount of the national wealth of Attica, Polybius[85] gives an apparently most satisfactory statement. Phylarchus had related that Cleomenes before the battle of Sellasia collected 6000 talents from the plunder of Megalopolis: this sum, which, according to Polybius, would have enabled the king of Sparta to exceed even Ptolemy in civil and military expences, our historian will not allow to be correct; at that period, he maintains, when the Peloponnese was completely exhausted, as much unquestionably could not have been levied out of it, as in his own, when the country was in a flourishing condition, and yet that at the actual time they could not, excluding the inhabitants, and counting in all kinds of furniture and implements, make up 6000 talents: "For what historian,"

[83] Diod. XVIII. 74.
[84] Thucyd. VIII. 65. conf. 97.
[85] II. 62. conf. 63.

he proceeds to say, "has not related of the Athenians, that, at the time when in conjunction with Thebes they entered upon the war against the Lacedæmonians, they sent out 10,000 soldiers, and manned 100 triremes; that having then determined to pay the war-taxes from property (ἀπὸ τῆς οὐσίας), they valued the whole country of Attica, and the houses, and all other property as well; and nevertheless the whole valuation of the property (τὸ σύμπαν τίμημα τῆς ἀξίας) wanted 250 of 6000 talents." How Ste. Croix[86] could imagine that Olymp. 103. 2. is here meant, I am at a loss to conceive; for Polybius points out with sufficient clearness the recent valuation made in the Archonship of Nausinicus, in Olymp. 100. 3. In this year the Athenians entered into an alliance with Thebes, after the attempt of Sphodrias the Spartan upon the Piræeus had miscarried, fortified this harbour, built new ships, and assisted the Thebans to the utmost of their means: Demophon was sent to their assistance with 5000 Hoplitæ and 500 cavalry; and, according to the statement of Diodorus (who, pursuant to his usual custom, does not mention it till the following year, and always exaggerates the numbers), they agreed to fit out 20,000 Hoplitæ, 500 cavalry, and 200 ships, under the command of Timotheus, Chabrias, and Callistratus: the first consequence was the cession of the citadel Cadmia to the

[86] Recherches sur la Population d'Attique, Mém. de l'Académie, T. 48. p. 148. The same writer also relies for the valuation of 6000 talents upon Anaximenes; a gross error, the origin of which was that the article ὅτι ἑξακισχίλια in Suidas and Photius transcribed from Harpocration is inserted after the article ὁ κάτωθεν νόμος, and falsely appears to be united with it. Küster had separated them.

Thebans[87]. A more exact statement upon our subject hardly appears desirable. Polybius, the most accurate and judicious of writers, furnishes us with a determination of the national wealth for a particular period, and this according to the valuation, and consequently upon the authority of public documents, which one at least of his predecessors, who drew from the fountain-head, must have inspected. Nor can there exist any doubt that he means every sort of property; for he not only calls it the valuation of the lands of all Attica (χώρας) and the houses, but of the other property also (τῆς λοιπῆς οὐσίας). This nearly coincides with the statement of Demosthenes, who reckons the valuation of the country (τίμημα τῆς χώρας) at 6000 talents[88], as also Philochorus in the tenth book upon Attica[89]. Harpocration[90] remarks, that the word valuation (τίμημα) signifies capital; it is therefore impossible that the annual revenue can be meant, even if we did not know that it never amounted to so high a sum[91]. But however weighty may be the character of Polybius, and however specious the agreement of the other authors, I yet hope to bring forward such powerful arguments as will convict this excellent historian of error, by shewing, in the first place, that 5750 talents are, as may be collected from other circumstances, too small a part of the national wealth of

[87] Xenoph. Hell. V. 4. 34 sqq. Diod. XV. 25—29.

[88] De Symmor. p. 183. 5. p. 186. 18. in Olymp. 106. 3.

[89] Harpocrat. ut sup. In the manuscript of Demosthenes, which Harpocration used, it was incorrectly written 8000 talents.

[90] In v. τίμημα.

[91] And yet Meursius (F. A. p. 51.), Petit (Leg. Att. III. 2, 33.), Salmasius (Mod. Usur. I. p. 28.); and even Winkelmann, whom Heyne has corrected in his *Antiquarische Aufsätze* I. p. 205, have thought that the annual revenue was here meant.

Attica to admit of our supposing that it was only a valuation which was accidentally too low, from the citizens having concealed much of their property; and, secondly, I hope in the course of my investigation to point out how Polybius fell into this error, and how the other passages, as well as the statement which he misunderstood, are to be taken.

Property, according to the language of the Athenian law, was divided into two classes, apparent and non-apparent (οὐσία φανερὰ and ἀφανὴς), or rather immoveable and moveable property: under the latter term money, furniture, slaves, &c. were comprised [92]. Immoveable property consisted in houses and lands; the mines could not have been included under this term, because no property-tax or Liturgy was paid from them, being held on leases in fee-farm from the State. The corn-land alone amounted to more than 900,000 plethra; and as a plethron cannot at the lowest be estimated at less than 50 drachmas [93], the value of this one item was more than 7500 talents. If from this sum we deduct 500 talents for the property of the State, the taxable corn-land alone exceeded by about 1250 talents the amount given by Polybius; and as the land which grew corn did not compose much more than the third part of the area of Attica, we may safely add 2000 talents for the rest of the country, as far as it was in the possession of private individuals or of taxable corporations, inclusive of the boroughs; so that the landed property, taken at the lowest estimate, amounted to 9000 talents. Moreover Athens had 10,000 houses, besides the

[92] Harpocrat. Ἀφανὴς οὐσία καὶ φανερά: ἀφανὴς μὲν ἡ ἐν χρήμασι καὶ σώμασι καὶ σκεύεσι, φανερὰ δὲ ἡ ἔγγειος.

[93] See book I. 15 and 11.

buildings, in the harbours, in the villages and country-towns[94]. If each house is reckoned on an average at ten minas, which cannot, according to their ascertained value be an over-estimate, the sum we obtain exceeds 1600 talents; to which 400 talents may be fairly added for the buildings out of Athens; so that the immoveable property alone amounts to nearly twice Polybius's statement. To the value of the immoveable property may next be added that of the slaves, who may be taken at 360,000; and if we assume the value of each at only a mina[95], we obtain the sum of 6000 talents. The value of the horses must also have been considerable, as there was a body of cavalry which consisted of 1200 men, and an equal number of servants; and if we then take into account the passion of the young men for horses, and the expences which many persons incurred for these animals, that they might exhibit them at the sacred spectacles (as, for example, Alcibiades, who sent seven chariots at one time to the Olympic games)[96], together with the number required for agricultural purposes, our estimate rather errs on the side of deficiency if we assume 3000 horses, and each upon an average at five minas[97], which gives the sum of 250 talents. To these we will add only 1000 yokes of mules, at six minas, together making 100 talents: and will estimate all the cattle, sheep, goats, and pigs, at no more than 250 talents. Again, the money accumulated and lent out at interest could not have been inconsiderable in amount, if a banker like Pasion had 50 talents of his own placed

[94] Book I. 12.
[95] Comp. book I. 7 and 13.
[96] Thuc. VI. 15, 16.
[97] Book I. 14.

out at interest, and if Lycurgus had 650 talents entrusted to him in his own house[98]. Then how great was the value of the materials vested without interest in implements of gold, silver, and brass, and worked up in commodities of various kinds? Even in the time of the poet Aristophanes the use of silver in articles of furniture was common, and it gradually increased to such a point, that in order to lower the prices of such vessels, when the means of the purchasers had been diminished, the silver was reduced to an excessive thinness; whence a comic poet speaks of vessels which weighed four or five drachmas, or even as little as ten oboli[99]. Every other description of household-furniture (ἔπιπλα, σκεύη), even clothes and women's ornaments, were estimated at the valuation, as may be seen from the valuation of the property of Demosthenes; and this item must have amounted to a considerable sum, for they not only had conveniences for lodging, eating, and sleeping, but in the houses of the wealthy they had also establishments for various kinds of trades, as for weaving, baking, &c.[100] Demosthenes' father left at his death 100 minas in furniture, cups, gold, clothes, and his wife's ornaments, which, when the estimate of the son's property was made, were included in the register of taxes. The furniture of another person was worth more than 20 minas. The furniture of Aristophanes, which was forfeited to the State, was sold for more than 1000 drachmas, perhaps at less than the half of its value. Gold and clothes in the dowry of persons of a middling rank were estimated at ten

[98] Book III. 19.

[99] Athen. VI. p. 229. F sqq.

[100] Conf. Xenoph. Œcon. 9. 6.

minas [101]. Alcibiades' mother had jewels worth 50 minas. But without enumerating every trifle, and passing over many statements of the orators, I shall mention only the ships, the value of which cannot have been inconsiderable. All these different items being added together, the national property, as it was estimated in the valuation, cannot be taken at less than 20,000 talents, in which the monied capital, and all moveables, with the exception of slaves and cattle, have evidently been estimated at an extremely low rate at 2400 talents. In every instance indeed I should make a higher estimate, but I have thought it better in each successive case to take the lowest which could be thought possible, in order to shew that Polybius had deceived himself, whatever hypothesis be adopted. Gillies [102], who was also dissatisfied with the common acceptation of this statement of Polybius, thought that the landed estates only were comprised in the 5750 talents, all other property having been so concealed, that an estimate of it was impossible; but this directly contradicts the words of Polybius: and even if we suppose that many persons concealed a portion of their property, yet on the whole its amount cannot have been considerable; for by reason of their law-suits and inheritances the inhabitants could not have ventured to return a smaller sum than they possessed; many too, in order to appear of consequence, returned even more than they were actually worth; and, generally speaking, the valuation, as the instance of Demosthenes shews, was accurately made. Least of all can I

[101] Demosth. in Nicostrat. p. 1251. 15. Lys. pro Aristoph. bonis p. 635. Demosth. in Spud. p. 1036. 10.

[102] Considerations upon the History, Manners, and Character of the Greeks p. 24.

accede to the idea of the writer just mentioned, that the national wealth of Attica was about 12,000 talents. The number stated by Polybius is too small even for the landed property alone, as this might be fairly estimated at 12,000 talents. In short however Polybius states the valuation (τίμημα) of Attica with perfect correctness at 5750 talents; but it is the valuation, not the value, of the whole property: he only knew how much the valuation of the whole property amounted to; but not being aware of the principles upon which it had been obtained, he erroneously supposed that it was the value of the whole property. For the valuation taken during the Archonship of Nausinicus was, as will be shewn, of a certain and fixed portion of the property, which was considered as being properly subject to taxation. This portion varied in the different classes; in the first class a fifth part was taxable, in the inferior classes a smaller part: very inconsiderable properties were doubtless not admitted into the valuation at all [103]. Consequently the national wealth was far more than five times the valuation, and exclusively of the public property, which was tax-free, may be estimated at thirty or forty thousand talents: the annual incomes obtained from this amount of capital were at the least double what an equal sum would produce at the present time, and consequently every tax was at the most only half as large as it appears; or rather even smaller still, for the possessor of a moderate property of five or six talents could hardly have consumed the returns from it upon his maintenance, without very expensive habits. To the view which I have here taken, nothing can be objected but a passage of Aristophanes, which has

[103] Comp. book IV. 9. near the end.

never yet been applied to this subject, in the Ecclesiazusæ [104], which was produced in Olymp. 96. 4. Euripides, probably the tragic poet (but not the celebrated one, for he was dead at this time), had, shortly before the representation of this play, proposed to raise a property-tax of a fortieth, which was to produce 500 talents. This proposal at first gained him great popularity; but afterwards, upon the rejection of the measure, the cry of the people was turned against him. Why it did not succeed we are not informed; either the taxed were not able to pay, Athens not having as yet recovered from the Peloponnesian war; or he had made the rate too high; in which respect however the error cannot have been very great, for experience must have already taught them what amount of property could in a general way be reckoned upon as available; the former supposition is therefore the most probable of the two. He had evidently estimated the taxable capital at 20,000 talents; but that the taxable capital is in this case identical with the whole property cannot be proved; it may have only been the fixed or taxable *portion* of it, and this may have been estimated differently from the valuation in the Archonship of Nausinicus; for example, as in the valuation of Solon, which was so arranged, that of the first class the whole property was returned, of the second ⅘, of the third ⅗: a regulation according to which, with about 35,000 talents of property, it would be easy to arrive at a valuation nearly amounting to 20,000 talents. It is however time to explain with greater accuracy the system of the Athenian valuation.

[104] Vs. 818 sqq. An income-tax cannot be meant, as Spanheim de U. et P. N. vol. II. p. 551. and Burmann de Vect. P. R. V. supposed.

(5.) The regulations with regard to the Athenian taxes before the time of Solon cannot be accurately ascertained. I consider it as certain, that before the changes introduced by this lawgiver *all* the four tribes had not a share in the governing power: the Hopletes were the ruling aristocracy; under them were the Cultivators (Τελέοντες), the Goatherds (Αἰγικόρεις), and the Manual Labourers (Ἀργάδεις)[105]; the Hopletes being the supreme and dominant class, the Cultivators paid them the sixth part of the produce[106], the same portion which in India the king formerly received; and these latter were, like the Penestæ or the Clients, bondsmen or Thetes in the original sense[107], without any property in land, which belonged solely to the Hopletes. The latter bore arms, when they served in war, and took their attendants into the field, like the Thessalian Knights; for the maintenance of the State in time of peace little or nothing was necessary, and their wars were too inconsiderable to require an artificial structure of finance. The temples and priests were supported from the sacred estates, tithes, and sacrifices; and the

[105] Upon these classes see my Preface to the Catalogue of the Lectures of the University of Berlin, Summer, 1812. (reprinted in the Museum Criticum II. p. 608.) I do not find myself induced to alter what I have there said, since Hüllmann (*Anfänge der Griechischen Geschichte* p. 239 sqq.) has treated this subject. Nor can I by any means accede to Hemsterhuis's singular explanation of Γελέοντες, *Proceres*, *Splendidi*. Names of this kind were not given to distinguish from Ὁπλῆτες, Ἀργάδεις, Αἰγικόρεις, which all contain something definite and separate, no more than οἱ πάχεῖς was any where the name of a tribe fixed by the State.

[106] Plut. Sol. 13.

[107] These are correctly placed together by Dionysius Archæol. II. p. 84. ed. Sylb.

administrators of justice were remunerated by gifts or fees (γέρα) upon each separate decision. The constitution of Solon first, as it appears, wholly abolished bondage, which must not however be confounded with slavery: these laws gave to all freemen, that is, to all the four tribes, a share in the government, apportioning their rights however according to the valuation (τίμημα, *census*); by which means the form of government was brought near a democracy, without actually being one. For Solon, according to the manner in which he instituted the Areopagus, placed a half-aristocratical counterpoise in the opposite scale; and also by only allowing the fourth class the right of voting in the assembly, and a share in the jurisdiction, but not permitting them to fill any office of government, he gave an influence to the upper and wealthier classes, by means of which the constitution was made to resemble a Timocracy, or an Oligarchy founded upon property. However, without wishing to develope the whole system of Solon's institution of classes, we shall enquire into its nature in reference to the valuation and the public services.

Solon made four classes (τιμήματα, τέλη) [108], a number afterwards adopted by Plato in his Work on Laws [109]; the methods according to which they fixed them were however very different. The first class was the Pentacosiomedimni; that is to say, those who received 500 measures, either dry or liquid, from their lands, medimni of dry, and metretæ of liquid measure. For the second class he took those who received 300 measures, and could afford to keep

[108] The latter expression is used by Harpocration and Suidas in v. ἱππεῖς, and by others; the former is very common.

[109] V. p. 744. C. VI. p. 755. E.

a horse, viz. a war-horse (ἵππος πολεμιστήριος), to which was added another for a servant, and they must also necessarily have required a yoke of animals: this class was called Knights (ἱππῆς, ἱππάδα τελοῦντες). The third class are the Zeugitæ (ζευγῖται), and their valuation is called the valuation of the Zeugitæ (ζευγίσιον τελεῖν); by which however is not to be understood a particular tax upon cattle used in ploughing, as might be supposed from the account given by Pollux. Their name is derived from keeping a yoke (ζεῦγος), whether of common mules, or of working-horses or oxen. Their income is stated in general at 200 measures of dry and liquid measure. The last class is the Thetes, whose valuation was less than that of the Zeugitæ [110]. "The Pentacosiomedimni,"

[110] Plut. Sol. 18. where, in speaking of the third class, he is made, by an error of the transcriber, to say, οἷς μέτρον ἦν συναμφοτέρων τριακοσίων instead of διακοσίων, as Henry Stephens has rightly corrected from Pollux: συναμφοτέρων means both dry and liquid measure; as, for example, Lex. Seg. p. 298. in πεντακοσιομέδιμνοι: πεντακόσια μέτρα συναμφω ξηρὰ καὶ ὑγρά. Plutarch gives the right number in the Comparison of Aristides and Cato cap. 1. with the remark, that the means of individuals were at that time still moderate. Also see Pollux VII. 129, 130. Suid. in ἱππὰς and ἱππεῖς, Photius in ἱππὰς, where in the first article ἱππεῖς and ἱππὰς are absurdly stated to be different classes, Argum. Aristoph. Equit., Schol. Plat. Ruhnk. p. 184. Etym. in θητεία, Nicephorus Gregor. ad Synes., Zonaras in v. ἐκ τιμημάτων, Harpocrat. in ἱππὰς, who all give the same order, the latter referring to Aristotle's State of Athens, also Schol. Thucyd. III. 16. Hesychius (in v. ἱππὰς) is mutilated: also see Lex. Seg. pp. 260, 261, 267, 269. and concerning ζευγίσιον Pollux VIII. 130, 132. Suid. Phot. Etym. Lex. Seg. p. 260, 261. and Hesychius. In several of these passages it is falsely written ζευγήσιον. That ζεῦγος generally means a yoke of mules we learn from the orators, e. g. Isæus de Dicæog. Hered. p. 116. de Philoctem. Hered. p. 140.

says Pollux, "expended upon the public weal (ἀνήλισκον ἐς τὸ δημόσιον) one talent, the second 30 minas, the third 10 minas, and the Thetes nothing[111]." Thus far we have followed the most authentic accordant statements. Some grammarians however only mention three classes (τάξεις), and entirely omit the Zeugitæ[112], which is evidently erroneous, as well as the statement of Aristotle[113], or of some grammarian or copyist who has interpolated the words in his text, which makes the Knights the third and the Zeugitæ the second class, in direct opposition to the testimonies of all ancient writers[114] who invariably mention the Knights after the Pentacosiomedimni, and above all to the law which will be presently quoted. Nor can any argument be drawn from a fact recorded in an inscription upon the Acropolis[115], that Anthemion, the son of Diphilus, of the class of Thetes (θητικὸν τέλος), was immediately raised to the class of Knights; for a person might easily become on a sudden so rich by inheritance, as to be transferred from the lowest into the second class. Suidas indeed ascribes 400 measures to the Knights, which appears to be an error of the transcriber, rather than of the author; for the Scholiasts of Aristophanes and Demosthenes[116],

The Etymologist and Photius in v. ζεῦγος, and Lex. Seg. p. 260. when combined refer this expression to all the three kinds of animals.

[111] Pollux is followed by Schol. Plat. ed. Ruhnk. p. 184.

[112] Etym. and Photius in v. ζευγίσιον, Schol. Aristoph. Equit. 624.

[113] Polit. II. 10.

[114] For example Thuc. III. 16.

[115] Pollux VIII. 131.

[116] Schol. Aristoph. Equit. 624. Schol. Demosth. vol. II. p. 85. ed. Reiske.

who repeat the text of Suidas, only differ from him in giving the correct number, viz. 300 instead of 400; therefore Reiske deserves no attention when, by an alteration of the common reading, he wishes to make Plutarch say in the life of Solon that the Knights had 400 and the Zeugitæ 300 measures. Synesius [117] even calls the second class Triacosiomedimni, instead of the usual name of Knights. Nevertheless I venture to reject the statement preserved by all writers, that the number of measures for the Zeugitæ was 200, not however because it is incredible that all were Thetes who had less than 200 measures: a stronger argument against the correctness of this statement than the last would be, that the difference between the 200 measures of the Zeugitæ and the 300 of the Knights is too small in comparison with that between the Knights and the Pentacosiomedimni; but my reason for rejecting it is, that a law preserved in Demosthenes [118] leads to a different conclusion. This law fixes the allowance which any person of the three upper classes was to make to an heiress in the lowest class, if, being her nearest relation, he did not choose to marry her. The Pentacosiomedimnus was to give her 500 drachmas, and the Knight 300; thus both were to give the same number of drachmas as they received measures: the Zeugites however was only to give 150 drachmas. I am persuaded therefore that the property of the Zeugitæ only supposed an income of 150 measures: whoever had less than 150 measures belonged to the Thetes: whoever had between 150 and 300 to the Zeugitæ; from 300 to 500 to the Knights; and from 500 and upwards to the Pentacosiomedimni.

[117] De Insomn. p. 146. B.

[118] Demosth. in Macart. p. 1067 sqq. comp. Harpocration in v. θῆτες and ἐπίδικος, Diod. XII. 18.

Modern writers relate with great complacency the amount of taxes which, according to the statement of Pollux, these classes paid to the State, without being aware of the absurdity involved in it[119]. The question is, what notion shall we form of these imposts of a talent, of thirty minas, and ten minas? Are we to suppose that they were a regular tax which was paid into the public treasury? If so, the annual revenue of Athens would necessarily have been very large, whereas it at no time amounted to more than 2000 talents; unless we assume with Salmasius that Athens had a yearly revenue of 6000 talents, of which 2000 were derived from the sources which Aristophanes enumerates in the Wasps, and 4000 from the valuations of the citizens; an assertion which is too groundless and absurd to deserve a moment's attention. Or were those sums to be employed for the Liturgies? The expression agrees very well with this hypothesis, but it is inconceivable that the State should have fixed the exact sum of money which each person was to expend in his own Liturgy: how much was to be performed in each Liturgy was exactly defined, *e. g.* how many singers or flute-players the Choregus was to furnish, how he was to maintain, how to ornament them, and in like manner with the other Liturgies: to the State it was indifferent what sum each individual Liturgy cost. One person might by good management supply at a small expence, what another from inexperience had only been able to provide at a large outlay; if therefore the government

[119] Also Budæus (de asse et partibus ejus V. p. 530. Gryph.) both upon this point and upon that of the valuation of 6000 talents falls into great confusion; for, perceiving that he is at variance with himself, he searches, though unsuccessfully, for some explanation.

fixed any determinate standard, it failed in attaining its object; not to mention that in the age of Solon the Liturgies could not have been so expensive, and there is no question as to subsequent times. Or, lastly, shall we suppose that this scale was for the regulation of the extraordinary taxes? An extraordinary tax, like the Eisphora which was first levied in the 88th Olympiad, could not have been so high in the time of Solon, as the sums stated by Pollux. Again, the method of its imposition could not have been such that all persons in the same class paid the same sum, for example, that each Pentacosiomedimnus contributed a talent, whether he received 500 or 5000 medimni, a regulation which would have been manifestly absurd: neither can we suppose that all persons were excluded from the payment of this tax, who were not able to contribute ten minas. Is it possible to believe that all were Thetes (*capite censi*) who did not pay taxes to the amount of ten minas; that ten minas was the smallest amount of tax required of the citizens, and this too from landed property alone? Lastly, in the imposition of extraordinary taxes, it was never determinately fixed what the rate of contribution was to be both for the actual levy and all future occasions. On the contrary, the rate was appointed according to the sum required. If the amount was great, the scale was higher; if small, it was less. It is thus impossible to ascertain what this large tax, of which Pollux speaks, is to be referred to: but in order to convince the most incredulous of the total want of foundation in this account, I will add the following short explanation. In the time of Solon the medimnus of corn sold for a drachma[120]; if the price of a metretes of oil was higher, wine on the

[120] Book I. 15.

other hand was cheaper [121]; so that upon an average a measure of products of the soil cannot be reckoned at more than a drachma. The Pentacosiomedimnus was consequently valued according to his landed property at an income of 500 drachmas; and are we to suppose that a talent was to be paid out of that sum, which is the twelfth part of the receipts, and for the others the same according to their respective proportion? Or is the seed-corn, and not the whole produce, meant by the 500, 300, and 150 measures, as in the Mosaic law, in which the rates were fixed according to this standard? Of this however no ancient author says one word, whatever inaccurate writers on early history may assert; liquid measures are moreover expressly included, in which no seed-corn exists; and again, this quantity of seed-corn would have been too considerable: for in later times Alcibiades, who was unquestionably a Pentacosiomedimnus, possessed only 300 plethra of land; nor can any one imagine that all were Thetes who did not use 150 measures of seed-corn for their lands? In whatever way we look at it, the statement of Pollux fails. Is it then to be absolutely rejected? or does it contain a concealed truth? Unquestionably; but it has been made almost indiscernible by a gross misapprehension of its meaning.

We have next to consider how Solon's institution of classes was arranged with regard to the duties of the citizens. As the rights were different according to the classes, so were the burthens. Among these the first was the obligation to military service in its different gradations. The Thetes were said, in a lost passage of Aristophanes, to have

[121] Book I. 16.

performed no military service [122], like the lowest class of the Romans: although this may have been the case in ancient times, it may be assumed without hesitation, that they soon served as light-armed soldiers (ψιλοὶ), and as sailors: they were, indeed, sometimes used as Hoplitæ upon an emergency [123], as well as many even of the resident-aliens; since however they had no obligation of this kind, it was doubtless necessary for the State to arm them on these occasions. Thucydides [124] mentions Hoplitæ who were of the class of Thetes, but opposes them to the regular Hoplitæ from the list of the tribes (ὁπλῖται ἐκ καταλόγου). The Zeugitæ evidently composed the mass of those who were bound to serve as Hoplitæ. Above them came the Knights, whose name alone shews that their duty was to serve as cavalry, even if they were not at all times bound to hold themselves in readiness. Of the Pentacosiomedimni we know nothing: but it is evident that persons of this class must in general have filled the situations of commanders, as well as that of Trierarch, which was also a military service; the other Liturgies were also probably performed according to the valuations of the classes, although the distribution of them is not known. Lastly, I entertain no doubt that when the valuation was taken, a scale was at the same time fixed, according to which an extraordinary tax was raised whenever the occasion occurred; but there was no regular collection at the time when these assessments were made, or otherwise we should unquestionably have more deter-

[122] Harpocrat. in v. θῆτες, comp. Phot. in v. θητεύς.

[123] Antiphon ap. Harpocrat. ut sup. contains an indication of this in the words, τοὺς θῆτας ἅπαντας ὁπλίτας ποιῆσαι.

[124] VI. 43.

minute information upon that point[125]; and the first introduction of the property-tax at so late a period as in the Peloponnesian war shews how unfrequent and extraordinary were the occasions on which imposts of this kind had previously been levied. The expression *to pay a valuation* (τελεῖν τέλος) is indeed of so frequent occurrence, that we might infer from it that there existed a tax which was regularly raised, especially since the more definite expression is sometimes used of *paying the valuation of a Knight or of a Zeugites* (ἱππάδα and ἱππικὸν τελεῖν, ζευγίσιον τελεῖν, εἰς ἱππάδα τελεῖν): it is to be observed however that the valuation of the Thetes and their paying a valuation[126] (θητικὸν τέλος, θητικὸν τελεῖν) are also mentioned, and yet it is clear that they paid no tax, even according to the statement of Pollux. The tax which at Potidæa the persons who were destitute of property paid for their own body[127], was a mode of levying money entirely peculiar to that town, and not derived from the mother-country, and was moreover used only for extraordinary taxes. This idiom however admits of an easy explanation; for the same word which signifies *valuation*, also means a *rank* or *class*, and the words which mean *to pay a valuation*, also stand for merely *belonging to a class*[128]. Besides, the *payment* or

[125] Even Budæus ut sup. p. 534. was aware that no regular direct tax (*tributum*) was levied at Athens.

[126] See concerning this expression, passing over the Grammarians, Demosth. in Timocr. p. 745. 13. Isæus de Apollod. Hered. p. 185. an ancient law in Demosth. in Macart. p. 1067. 28. Inscript. ap. Poll. VIII. 131. Dinarch. in Aristog. p. 86. and many other passages.

[127] Pseud-Aristot. Œcon. 2. 5. ed. Schneid.

[128] Thence ἐς ἄνδρας τελεῖν, ἐς Βοιωτοὺς τελέειν in the same sense

performance of a valuation (τελεῖν τὸ τέλος) does not mean the payment of a fixed regular impost, but the fulfilment of all those duties which were imposed upon a class according to its valuation, particularly military service and Liturgies, together with the extraordinary property-taxes. Xenophon [129] mentions every expence which the State required at the hands of a citizen, and which could oppress him, but he is silent concerning a regular duty, although he makes use of an expression which must have instantly reminded him of it, if any thing of the kind had existed. The only circumstance that could justify us in considering the valuation-taxes as regular, would be the occurrence of some passage in which they are distinctly opposed to the Liturgies and the extraordinary taxes; but I have sought for one in vain. Where Antiphon [130]

Herod. VI. 108. Thence τέλος of a division of troops, particularly of cavalry. *Censeri* is used in Latin in the same way as τελεῖν in Greek.

[129] Œcon. 2. 6. ἔτι δὲ καὶ τὴν πόλιν αἰσθάνομαι τὰ μὲν ἤδη σοι προστάττουσαν μεγάλα τελεῖν, ἱπποτροφίας τε (for the cavalry at festivals) καὶ χορηγίας καὶ γυμνασιαρχίας καὶ προστασίας (an obscure expression which cannot signify the patronage of the resident aliens, but may refer to the ἑστίασις, which was also called φυλαρχία, see Wolf p. LXXXVIII.). ἢν δὲ δὴ πόλεμος γένηται, οἶδ' ὅτι καὶ τριηραρχίας μισθοὺς καὶ εἰσφορὰς τοσαύτας σοι προστάξουσιν, ὅσας σὺ οὐ ῥᾳδίως ὑποίσεις. The meaning of the word τέλος is very well explained in Lex. Seg. p. 308. τέλη: οὐ μόνον τὰ τοῖς τελώναις καταβαλλόμενα, ἀλλὰ καὶ τὰ ἀναλώματα. λαμβάνεται καὶ ἐπὶ ἀπηρτισμένῳ πράγματι ἢ ἔργῳ ἢ πολέμῳ. Hence also ἀτέλης and ἀτέλεια of the exemption from Liturgies, and πολυτελής. Conf. Phot. in v. τέλος.

[130] De Herod. cæde p. 744. Ἐπεὶ δ' ὑμεῖς τοὺς αἰτίους τούτων ἐκολάσατε, ἐν οἷς οὐκ ἐφαίνετο ὢν ὁ ἐμὸς πατὴρ, τοῖς δ' ἄλλοις Μυτιληναίοις ἄδειαν ἐδώκατε οἰκεῖν τὴν σφετέραν αὐτῶν (since they allowed them to

opposes the payment of the duties (κατατιθέναι τὰ τέλη) to the Choregia, a Mytilenæan is speaking of his father, who was one of those deprived of their estates; but these, although they paid to the Athenians a rent of 10 minas for each lot [131], also performed Liturgies for their own State. Again, the only reason which Plato gives in the Laws for the four-fold division of classes in his State is, that the offices of government, the Eisphora (or extraordinary tax) and the Distributions (διανομαὶ) could be arranged according to them; and, lastly, to what purpose Athens should in the early times have raised a yearly tax, when a part of the public revenue, and particularly of the money received from the mines, was divided among the citizens, is difficult to comprehend.

A tax according to the valuation can therefore be only supposed to have occurred upon extremely rare occasions under the institution of classes by Solon. The imposition of taxes was only a subordinate consideration; the chief objects were the obligation to military service, the Liturgies, and the apportioning of the rights of government. But in order to comprehend how the scale was arranged in each case as it occurred, we must premise an observation upon the meaning of the word *valuation* (τίμημα). Custom has comprehended under this term a collection of very different ideas. Every estimate of the value of any article

hold their land on condition of paying a rent), οὐκ ἔστιν ὅ τι ὕστερον αὐτῷ ἡμάρτηται τῷ ἐμῷ πατρὶ, οὐδ' ὅτι οὐ πεποίηται τῶν δεόντων, οὐδ' ἧς τινος λειτουργίας ἡ πόλις ἐνδεὴς γεγένηται οὔτε ἡ ὑμετέρα (sic lege) οὔτε ἡ Μυτιληναίων, ἀλλὰ καὶ χορηγίας ἐχορήγει (that is, in the State of Mytilene divided among Cleruchi) καὶ τέλη κατετίθει (to the Athenians).

[131] See book III. 18. concerning this individual comp. book III. 16. note 422.

is so called; the estimate of property, the assessment of a fine, the estimate of a tax; in short, every thing that is valued. But a part of the property, which serves to regulate the apportioning of taxes, might be, with equal propriety, called by that name. Solon gave to each of the classes, except the Thetes, a fixed valuation, or *Timema*, and even the classes themselves are so called (τέτταρα τιμήματα) in Plato and in most other writers who mention them. This valuation, which we will call *the taxable capital*, is not absolutely identical with the estimate of property, and is very different from the tax. The grammarians had not formed any idea of Timema as taxable capital, for they sometimes confound it with the estimate of property; while Pollux considered it as the tax, and thus fell into a most important error. No rational explanation can be given of Solon's institution of classes, as far as it regards the direct taxation, but by embracing this view of the question. When so considered however we recognize his wisdom. Solon estimated the value of the medimnus at a drachma [132]. Now if he had wished to ascertain the landed property of each class from the produce, his only way would have been to consider the number of medimni, or their equivalent in liquid measure, as the produce accruing from the land, taking however as his standard only the net proceeds, which were received as rent. We must therefore consider these 500, 300, 150 measures as net profit, obtained from what an estate yielded as rent; a course which was the more natural, as many estates, particularly those of the wealthy, were let by their masters to Thetes or to bond-slaves, as we are expressly informed with regard to the Thetes [133]. That the rent was computed in

[132] Plut. Sol. 23. [133] Plut. Sol. 13.

kind, and not in money, is what might have been naturally expected. This practice indeed frequently occurs, even in later times; nor would any other method have been possible at that period, on account of the small quantity of money in circulation. The next question to be considered is, at what per-centage of the value of the property did Solon fix this net produce? We are informed that rents were low in ancient times; so late as in the speeches of Isæus we read of an estate which was let at 8 per cent [134]. We have therefore good reason for assuming that Solon, whose intention it must have been to encourage low rents, took the net proceeds as the twelfth part of the value of the land, or 8⅓ per cent, and according to that scale fixed the property of a Pentacosiomedimnus at a talent, that is, at the twelfth of his income. According to the same calculation, the landed property of a Knight amounted to 3600 drachmas, of a Zeugites to 1800. The principle of this arrangement is perfectly correct; for the smaller is the amount of the incomes, the less in proportion must the State take from an equally large part of the income of a citizen: as every man must first provide maintenance for himself and his family, and the poor are oppressed to a greater degree than the rich, if they are taxed in the same proportion, and according to the same rate. Now this principle, so well adapted to the philanthropic lawgiver, may have been put in operation by Solon in two manners; either by the inferior class returning a smaller part of their property than the superior, for example, the first ½ per cent, the second ¼ per cent, the third ⅛ per cent; or by the taxable capital being so rated, that in the lower classes only a part of the property was considered as taxable. The first method

[134] Book I. 24.

renders the arrangement difficult and complicated; the other is far more intelligible: the government knows the sum total of the taxable capital, and the amount of its own necessities, and it can be seen at once what part of the taxable capital must be demanded. This regulation appears to have been invariably followed at Athens, after it had been once taught by Solon. The Pentacosiomedimnus was, according to the regulation of his class, entered in the register with his whole productive landed property, the Knight with five-sixths, the Zeugites with five-ninths of it; but all paid the same part of the taxable capital when a duty was imposed. Supposing that the whole valuation, or the sum of all the taxable capitals, amounted to 3000 talents, and that the State was in need of 60 talents, a fiftieth must have been raised, and the division was in that case made as the following table shews:

Classes	Incomes	Landed estates	Taxable capital	Tax of a 50th
Pentacos.	500 drachmas	6000 drachmas	6000 drachmas	120 drachmas
Knights	300 drachmas	3600 drachmas	3000 drachmas	60 drachmas
Zeugitæ	150 drachmas	1800 drachmas	1000 drachmas	20 drachmas

A more beautiful division is scarcely conceivable. It should be observed however that it is possible, or even probable, that there existed some difference in the amount of taxes in the same class. We may suppose that, adhering still to the standard of property, they imposed the tax in such a manner that in each class the taxable capital was fixed according to the same proportion; as is shewn by the following table:

Classes	Incomes	Landed property	Of which was taxable	Taxable capital	Tax of a 50th
Pentacosio-medimni	1000 dr.	12000 dr.	The whole	12000 dr.	240 dr.
	750 dr.	9000 dr.	The whole	9000 dr.	180 dr.
	500 dr.	6000 dr.	The whole	6000 dr.	120 dr.
Knights	450 dr.	5400 dr.	Five sixths	4500 dr.	90 dr.
	400 dr.	4800 dr.	Five sixths	4000 dr.	80 dr.
	300 dr.	3600 dr.	Five sixths	3000 dr.	60 dr.
Zeugitæ	250 dr.	3000 dr.	Five ninths	$1666\frac{2}{3}$ dr.	$33\frac{1}{3}$ dr.
	200 dr.	2400 dr.	Five ninths	$1333\frac{1}{3}$ dr.	$26\frac{2}{3}$ dr.
	150 dr.	1800 dr.	Five ninths	1000 dr.	20 dr.

Under the institution of classes by Solon the land in cultivation alone was estimated: when however in the Peloponnesian war the property-taxes became frequent, it was no longer possible that the landed proprietors should be exclusively taxed, particularly as this was the very period at which they were in the most distressed situation; the former scale had also ceased to be suitable, on account of the increase of wealth. The menace in the Knights of Aristophanes [135] is not intelligible, unless we suppose that moveables were also subject to taxation. Cleon threatens a person with having him registered among the rich, in order that he might be ruined by property-taxes; and the proposal of Euripides, which was made a short time before Olymp. 96. 4., to raise 500 talents by imposing a tax of a fortieth, is only compatible with a taxable capital, which not only embraced all moveable property, but in which the rates of the classes were also wholly changed: for if it had been regulated upon the same principles as the valuation of Solon, it would require 26,000 citizens, nearly all of the rank of Pentacosio-

[135] Vs. 923.

medimni, for the taxable capital to amount to so large a sum: on the other hand, a taxable capital of this amount might have easily existed, if all the moveable and immoveable property were added together, and the taxable part of it taken according to the principles of Solon. The ancient names were in the mean time retained; not only in Olymp. 88. 1.[136] when the first tax was levied, but even in later times, we meet with Pentacosiomedimni and Knights as distinct ranks. In the play of Aristophanes (Olymp. 88. 4.) that bears their name, the Knights are represented as a class of the people, and not merely as horsemen, as they were in the time of Demosthenes; and even in Olymp. 93. 3. we meet with a distinct mention of the two superior ranks[137]. It cannot be proved with certainty, as far as I am aware, that these classes existed after the Archonship of Euclid (Olymp. 94. 2.). In the Archonship of Nausinicus they were unquestionably suppressed, if they were then in existence. Yet I am rather inclined to suppose, that, like so many other institutions, they were abolished by the changes introduced in the Archonship of Euclid. The Pentacosiomedimnus mentioned in Lysias[138] may have been taken from the times anterior to Euclid. In Demosthenes[139] the four ranks only occur in an ancient law, which was perhaps still in force with regard to heiresses, but its original meaning must have been altered, and the names could only have referred to new classes which had been introduced in the place of those instituted

[136] Thucyd. III. 16. in this year the names of the classes in question occur.

[137] Xenoph. Hell. I. 6, 17.

[138] Harpocrat. in v. πεντακοσιομέδιμνοι.

[139] In Macart. p. 1067 sq.

by Solon. If any one passage could make it probable that the institution of Solon remained until the year of Nausinicus, it would be that of Isæus[140], in which it is stated that "Apollodorus, the adopted father of the defendant, did not act so dishonourably as Pronapes, who only returned a small valuation, and yet as if he had a Knight's valuation laid claim to offices of government." Pronapes therefore entered himself at a lower valuation, but he was a candidate for offices which required the property of a Knight. At what time however he did this we know not. The orator may be speaking of ancient times, anterior to the year of Euclid. If this be not conceded, I may assume that although the ancient classes were abolished in the Archonship of Euclid, new ones were instituted, one of which again bore the general name of Knights, which was given to a class of the people in many States besides Athens. It is to be also observed, that there is another difficulty in this passage, viz. that a Knight's valuation was requisite for eligibility to offices of government. According to the constitution of Solon, these were only open to citizens of a certain valuation, and the Thetes were excluded, as we learn from Aristotle and others. The Archons, at the time when Aristides filled this office (Olymp. 73. 1.), were still chosen by lot out of the Pentacosiomedimni[141]: hence the question at the Anacrisis of the nine Archons, and in general in all high situations, "whether the candidate had the Timema, or paid the valuation[142];" that is, again,

[140] De Apollod. Hered. p. 185. Reiske has wholly misunderstood this passage. The words are, καὶ μὴν καὶ αὐτὸς Ἀπολλόδωρος οὐχ, ὥσπερ Προνάπης, ἀπεγράψατο μὲν τίμημα μικρὸν, ὡς ἱππάδα δὲ τελῶν ἄρχειν ἠξίου τὰς ἀρχάς.

[141] Plut. Aristid. 1.

[142] Εἰ τὸ τίμημά ἐστιν αὐτῷ, εἰ τὰ τέλη τελεῖ, Pollux VIII. 86.

whether he performed the Liturgies, paid the extraordinary taxes, and was regularly registered in the class to which the Archon was required to belong. In the same manner it was necessary for the Treasurers of the Goddess and the Gods to be Pentacosiomedimni [143]. But Aristides, after the battle of Platææ, gave all the Athenians the right of admission to offices of government [144]: and therefore in the case of these treasurers we cannot suppose that this restriction was owing to the highness of their office; but that, as the management of money was entrusted to them, they were still obliged, for the sake of security, to prove to a fixed amount of property. Dinarchus reckons this question respecting the valuation among the antiquated customs of the State, nor is there any mention of it in the speech of Demosthenes against Eubulides; although this is not a conclusive proof, for it might have been there omitted compatibly with the object of the speaker [145]. Theogenes, of noble birth, but of small means, was king-Archon in the age of Demosthenes [146]. Lastly, the needy and infirm man (ἀδύνατος), who is represented as speaking in Lysias, manifestly belonged to the lowest class of persons entirely destitute of property, since he claims the allowance for the

Dinarch. in Aristog. p. 86. who p. 87. by τέλος evidently means the extraordinary tax (εἰσφορά). The serving in war is in this place excepted from the τέλος, and on account of its importance is particularly enquired after, which cannot seem strange, since the τέλος only determined the species of arms, and from that it could be ascertained whether the individual was present in the field.

143 Book II. 6.

144 Plutarch. Aristid. 22.

145 P. 1319. 20 sqq.

146 Orat. in Neær. p. 1369. 17.

poor from the State [147]. This man nevertheless asserts, that if his body was not defective, his adversaries would not be able to hinder him from casting lots for the dignity of one of the nine Archons, and accuses his fate of depriving him of the highest honours [148]; meaning the

[147] See Lysias περὶ τοῦ ἀδυν. p. 743 sqq.

[148] P. 749. καίτοι εἰ τοῦτο πείσει τινὰς ὑμῶν, ὦ βουλή, τί μὴ κωλύει κληροῦσθαι τῶν ἐνίοτε ἀρχόντων; and afterwards p. 750. οὐ γὰρ δήπου τὸν αὐτὸν ὑμεῖς μὲν ὡς δυνάμενον ἀφαιρήσεσθε τὸ διδόμενον, οἱ δὲ (his opponents) ὡς ἀδυνάτον ὄντα κληροῦσθαι κωλύσουσιν. p. 756. ἐπειδὴ γὰρ, ὦ βουλὴ, τῶν μεγίστων ἀρχῶν ὁ δαίμων ἀπεστέρησεν ἡμᾶς, and afterwards, πῶς οὖν οὐκ ἂν δειλαιότατος εἴην, εἰ τῶν μὲν καλλίστων καὶ μεγίστων διὰ τὴν συμφορὰν ἀπεστερημένος εἴην. Petit III. 2. on the law concerning the Anacrisis of the Archons (p. 239 sqq. of the old edition) shews, that freedom from all bodily defects was necessary for the office of Archon; doubtless on account of the sacrifices which he had to perform. But it is singular that he did not perceive that, according to Aristides, there might have been an Archon out of every class of property, and should imagine that the law of Aristides was repealed; of which I do not find any proof. In ancient times the Archons were chosen not by lot, but by Cheirotonia, as may be inferred from the intricate passage in the oration against Neæra p. 1370. 19. [The author mentions in the Addenda, "that he had inferred from the oration against Neæra that in ancient times the Archons were chosen by Cheirotonia." He then proceeds to say, that "it hardly deserves mentioning, that what the orator asserts of the king-Archon in the democracy, which according to common report he commences with Theseus, may be taken generally of the ancient election of the nine Archons. In order however to reconcile this assertion with the apparently contradictory account of the election of the Archons by lot from among the Pentacosiomedimni (p. 43.), it must be remembered, that the election of the Archons was frequently changed with the progress of freedom and equality. The office of King was after the time of Codrus changed into that of Archon, by merely compelling the King to give an

infirmity of his body, which impeded him from standing for the office of Archon, and not the want of property. Accordingly we can at the most refer the statement of Isæus to situations such as those of the treasurers, for whom a certain valuation was agreeably to reason always requisite, in order that the State might have a pledge of their honesty [149].

account of his official proceedings (Pausan. IV. 5.), but the office remained by inheritance in the royal family of the Neleidæ or Codridæ. The next step was the limitation of the time of holding the office to ten years. It remained nevertheless in the ancient royal family until the time of Eryxias, who was the last in the uninterrupted series of the Medontidæ, according to the testimony of ancient writers. The annual Archons which then succeeded were chosen by Cheirotonia from among the nobility, in which the ancient royal family was included (ἠρέθησαν ἐξ Εὐπατριδῶν Euseb. Chron. p. 41.), of which series Solon the Codrides is to be considered the last (cf. Plutarch. Solon. 14. ἠρέθη ἄρχων; αἱρετὸς is the same χειροτονητός). Solon then substituted a timocracy in the place of the ancient aristocracy, and from this time eligibility no longer depended upon birth, but upon property, and the Archons were chosen by Cheirotonia (Aristot. Polit. II. 9. where the words ἀρχόντων αἵρεσις should be thus understood). Cleisthenes however probably changed this mode of election into choosing by lot, but left the right of eligibility unchanged; and with this the arrangement under which Aristides held the office of Archon, and the case mentioned in Herodotus VI. 109. correspond. Lastly, Aristides gave all the Athenians the right of filling the situation of Archon by casting lots, without any distinction of property, a right which the people had earned in battle with their blood.]

[149] I must here make an additional remark upon the qualification to public office arising from the valuation in reference to Hermogenes. This writer says, (τεχν. ῥητορ. p. 35.) πρεσβεύοντός του πένητος ὁ πλούσιος ἐχθρὸς ὢν εἰσήνεγκε νόμον, τὸν εἴσω πέντε ταλάντων οὐσίαν κεκτημένον μὴ πολιτεύεσθαι μηδὲ λέγειν, from which he afterwards

(6.) For the purposes of the public valuation, registers (ἀπογραφαὶ) were generally used in Greece, as was the case in Egypt and the kingdom of Persia, which in different places were arranged according to different principles. The method adopted at Athens was that each person valued his own property, and returned the amount; after which they were doubtless, as in Potidæa, subject to the check of a counter-valuation (ὑποτίμησις)[150]. In early times however there was little apprehension of low returns, for every one was glad to appear wealthy, as Isocrates[151] tells us of the time of his childhood, about the beginning of the Peloponnesian war: when on the contrary he wrote his oration concerning the Exchange (Olymp. 106. 3.), the appearance of riches led to great losses; and although the concealment of property might be attended with total ruin, many persons returned the smallest amount possible. But the property of individuals being subject to reverses of fortune, the citizens were necessarily often translated from one class to another; consequently a new valuation was made in some States every year, and in larger nations every two or four years[152], and the translation from one

draws farther inferences. See again p. 36. and the passages of Marcellinus quoted by Meursius F. A. IV. This expression Meursius has referred to Athens, and converted into an historical fact: it is however evidently a case supposed by Hermogenes, and even if in inventing it, his mind was influenced by some historical fact, we can derive no benefit from it, since neither the time nor place of this occurrence can be assigned.

[150] See concerning this expression Schneider ad Aristot. Œc. 2. 5.

[151] Isocrat. de Antidosi p. 85 sq. Orell.

[152] Aristot. Polit. V. 8.

class to another (ἀνασύνταξις)[153] took place. Again, if the whole wealth of the nation varies, the rates of the classes, and the whole division becomes ineffectual, more particularly if the quantity of gold should be augmented, for which reason Aristotle recommends the legislator to compare the amount of the whole valuation (τὸ πλῆθος τοῦ κοινοῦ τιμήματος) with the rates of the classes, and to rectify the latter according to it. Lastly, either landed property alone, or sometimes only the productive land (as was the case in the classes of Solon), or property of every sort, was returned to be taxed, and according as the valuation was made upon these several principles, either a register of lands or a general register of property was formed. Plato in the Laws[154] proposes two registers; in the first place, a catalogue of all estates, and secondly, a separate list of every other description of property, in order that all disputes on the subject might be easily decided, and be free from all obscurity. Besides the register of lands Athens had a general register of all property; the former was the more ancient, and cannot have been introduced later than with the constitution of Solon. Neither in Athens, however, nor in the ideal state of Plato was the object of this register of lands the same as of the mortgage-registers in use in Germany; for it cannot be proved that at Athens the debts upon landed property were entered in a public book, but the creditor was ensured, if he required it, by pillars or tablets (στῆλαι, ὅροι) set up on the boundary of the mortgaged

[153] It was so called in the Athenian Symmoriæ according to Suidas, see Lex. Seg. p. 184. 31. Zonaras p. 186. Harpocration, Suidas, and Zonaras (p. 205.) in v. ἀνασυντάξας.

[154] V. p. 741. C. p. 745. A.

estate. In no place but Chios do we hear of registers of debts [155]. There could have been no inducement to enter the property of the State in the register of lands; on the contrary, the property of other corporations, particularly of the boroughs, and at least of such temples as were only small corporations and had no connexion with the State, were necessarily included in it; for the property of corporations was always taxable according to its proper scale (at least about the 114th or 115th Olympiads) [156] upon the imposition of extraordinary imposts. The mines were also a part of the public property, which were let in fee farm; consequently these too could not have been entered in the register of lands. The formation as well as the custody of this register probably belonged at the time of Cleisthenes to the forty-eight Naucrari, to whom is ascribed the collection of the taxes (εἰσφοραὶ) [157]; that is to say, it was the duty of these officers to collect the taxes imposed according to the valuation, on those rare occasions when in the ancient time of Athens it was necessary to resort to this method of raising money. When they were supplanted by the Demarchs, the latter made the registers of the landed estates in each borough [158]. From a false reading in the Scholiast to Aris-

[155] Pseud-Aristot. Œcon. 2. 12.

[156] Ἀπὸ τῶν χωρίων τοῦ τιμήματος. Inscript. 103. T. I. p. 144. ed. Boeckh. [Also in an inscription published by the author of this work in his Corpus Inscriptionum Græcarum T. I. p. 132. No. 93. belonging to the 108th Olympiad, ἐάν τις εἰσφορὰ ὑπὲρ τοῦ χωρίου γίγνηται εἰς τὴν πόλιν.]

[157] Hesych. in v. ναύκλαρος.

[158] Harpocrat. in v. δήμαρχοι: οὗτοι δὲ τὰς ἀπογραφὰς ἐποιοῦντο τῶν ἑκάστῳ (l. ἐν ἑκάστῳ) δήμῳ χωρίων: thence Suidas who reads τῶν προσόντων ἑκάστῳ δήμῳ χωρίων: he added προσόντων because ἐν

tophanes, by which the word *debts* has been substituted in the place of *lands*, it might appear that the Demarchs entered the latter in the register; but nothing farther is known from any other passage, of registers of debts being kept in the boroughs; and even if, as is stated, the Demarch as an officer of police distrained the mortgagees[159], no farther inference can be drawn from this circumstance. The Demarch had no concern with debts, except that he enforced the payment of the debts owing to the borough[160], and might have been employed for the collection of monies which individuals owed to the State[161]. At a subsequent period the general register of property was introduced, and on this the valuation in the year of Nausinicus was founded; in which the concealment of

was likewise wanting in the manuscript which he used. The Scholiast to Aristoph. Nub. 37. has a false reading: *οἱ δὲ δήμαρχοι οὗτοι τὰς ἀπογραφὰς ἐποιοῦντο τῶν ἐν ἑκάστῳ δήμῳ χρεῶν*: who must have transcribed it from an indistinct MS. of some Lexicon, and probably from Harpocration, whose words with the exception of this error are the same.

[159] Harpocrat. Suid. Hesych. Schol. Aristoph. Lex. Seg. p. 242.

[160] Book II. 3. III. 2.

[161] It is to be observed also that the Demarch had the duty of delivering in an account of the property of public debtors with reference to the confiscation. Etym. in v. *δήμαρχος*: *Ἀπεγράφετο τὰς οὐσίας ἑκάστῳ πρὸς τὰ δημόσια ὀφλήματα*, conf. Lex. Seg. p. 237. Zonaras p. 494. who goes upon the authority of Chrysippus. The Lex. Seg. is more explicit p. 119. in v. *ἀπογράφειν*: *Τοῦ μὴ βουλομένου ἐκτίνειν τὸ ὄφλημα, ὃ ὀφείλει, διπλοῦται τὸ ὄφλημα, καὶ ὁ δήμαρχος σὺν τοῖς βουλευταῖς τοῦτον εἰσπράττει· καὶ ἀπογράφεται αὐτοῦ τὴν οὐσίαν καὶ ἐνεχυριάζει· καὶ τοῦτο καλεῖται ἀπογράφειν.* In the mean time it is well known that any other citizen was free to do the same, and the Demarch probably had only to perform this duty if no other person took it upon himself.

property was practised to a great extent[162]. This census not only comprehended lands and houses, but all unemployed and employed capital, slaves, raw and manufactured materials, cattle, household-furniture, in short all money or money's-worth were estimated, as may be easily seen by comparing the property left by Demosthenes the father[163], with the valuation of the son's property. It is evident that the resident aliens were also entered in this register, although, with the exception of the Proxeni and Isoteles, they were not included in any register of landed property; but they were undoubtedly entered in a separate register, in the same manner as when the Symmoriæ of the property-taxes were introduced, the resident aliens composed separate Symmoriæ: for they were taxed upon a different scale from the citizens.

It deserves a particular consideration how the dowries were entered in the register of property, and who it was that paid taxes for them; they composed a considerable part of the moveable property, even with poor people they amounted to ten, twenty, and twenty-five minas, not unfrequently to thirty (which sum the State gave to the daughters of Aristides), and even to forty, fifty, sixty, eighty, an hundred, or an hundred and twenty minas[164]. The daughter of Hipponicus received ten

[162] Out of many passages only comp. Isæus de Apollod. Hered. p. 187. de Dicæog. Hered. p. 110. 111. Æsch. in Timarch. p. 117.

[163] Demosth. in Aphob. I. p. 816. Concerning slaves conf. Isocrat. Trapez. 25. Of cattle it is evident.

[164] Isæus de Ciron. Hered. p. 199. de Hagn. Hered. p. 292. de Menecl. Hered. p. 212, 213. ed. Orell. Epist. Plat. XIII. p. 361. E. Orat. in Neær. p. 1362. 2. Lys. Apol. pro Mantith. p. 116. Demosth. in Spud. p. 1029. 24. Isæus de Dicæog. Hered. p.

talents at her marriage and ten others were promised her. Yet, according to Demosthenes[165], an Athenian seldom gave so much as five talents; which sum however Pasion's widow asserted that she brought to Phormion. Dowries of five or ten talents in Lucian[166] and the comic poets must be ascribed to the liberal donations of comedy. If it is considered that generally the husband was obliged to give security by a pledge for the dowry, when it was made over to him[167], and that the person who held the security used to receive the income arising from it, it may be thought that it was the kinsman who endowed the wife, and not the husband, who paid the tax for the dowry. But this view of the case is untenable. The very reason why the husband received the dowry was that he might have the usufruct of it; if it was not made over to him, he received the interest from it[168]; if then he gave a security for it, the interest of this security he must have still retained, and therefore have paid the tax for the dowry. This is confirmed by the relation which the dowry bore to the property of the son. If the mother lived after the death of the father in the same house with the son, the law was that in case of the ἀντίδοσις or exchange, the dowry followed the property of the son[169]; consequently it

104. Lys. in Diogit. p. 896, 897. Demosth. in Aphob. I. p. 814 sqq. in Onetor. I. II. passim. in Bœot. de Dote p. 1009. 28. in Aphob. de Falso Testim. p. 858. 25. in Bœot. de Dote p. 1015. 23. in Aphob. I. p. 834. 13. II. p. 840. 12 sqq. Concerning Aristides' daughters see book II. 18.

165 In Stephan. p. 1110. 4. p. 1124. 2. p. 1112. 19.

166 Dial. Meretr. 4.

167 Harpocrat. in ἀποτίμημα, Lex. Seg. p. 201.

168 Demosth. in Onetor. I. p. 866. 4.

169 Orat. in Phænipp. p. 1047. 10—15.

belonged to the taxable property of the son. In like manner in the estimate of the property of Demosthenes, amounting to fifteen talents, according to which his valuation was fixed, the dowry of the mother was included [170].

(7.) After these observations upon the different registers of property, we come to a new valuation made in Olymp. 100. 3. during the Archonship of Nausinicus; concerning which, although a point of the first importance in the Athenian system of taxation, we have nothing but obscure and unconnected accounts, like the legends of fabulous history. By a comparison however of the scattered information now extant, although there appears at first to be some contradictions in the statements, it will nevertheless be found that the question admits of historical precision. At the beginning of the investigation I will set down a passage from the oration against Aphobus, in which Demosthenes, in order to prove that his father had left him a considerable property, makes use of the following words, "My guardians returned me to the Symmoria as contributing five hundred drachmas for every twenty-five minas, as much as Timotheus the son of Conon and those who had the highest valuations contributed;" a declaration which is several times repeated, but in rather a concise manner, and expressed in less accurate words [171].

[170] See above chap. 3.

[171] In Aphob. I. p. 815. 10. Εἰς γὰρ τὴν συμμορίαν ὑπὲρ ἐμοῦ συνεστάξαντο κατὰ τὰς πέντε καὶ εἴκοσι μνᾶς πεντακοσίας δραχμὰς εἰσφέρειν, ὅσονπερ Τιμόθεος ὁ Κόνωνος καὶ οἱ τὰ μέγιστα κεκτημένοι τιμήματα εἰσέφερον. II. p. 836. 25. Ἔτι δὲ καὶ αὐτὸς Ἀφοβος μετὰ τῶν συνεπιτρόπων τῇ πόλει τὸ πλῆθος τῶν καταλειφθέντων χρημάτων ἐμφανὲς ἐποίησεν, ἡγεμόνα με τῆς συμμορίας καταστήσας, οὐκ ἐπὶ μικρεῖς τιμήμασιν, ἀλλ' ἐπὶ τηλικούτοις, ὥστε κατὰ τὰς πέντε καὶ εἴκοσι μνᾶς πεντακοσίας εἰσφέρειν. In Aphob. de Fals. Testim. p. 862. 7. Ὅτι πεντεκαίδεκα ταλάντων

From this statement it has been inferred that the guardians of Demosthenes returned as a property-tax (εἰσφορὰ) either the fifth part of his property, or the fifth part of his yearly income[172]. The former upon a superficial view might appear to be the meaning of the passage; the latter is wholly devoid of all foundation, for the orator speaks of the fifth part of the property, and not of the income. The time moreover in which this tax may be supposed to have fallen, has been fixed at about the 103d Olympiad, the orations against Aphobus having been spoken in Olymp. 104. 1. But this is incorrect. Demosthenes speaks of the contribution to the Symmoriæ as having been made by his guardians, at a time when his property still amounted to fifteen talents, which could only have been the case in the beginning of the guardianship. If the return had taken place later, they could not have rated it so high, since they gradually squandered away the property, or got fraudulent possession of it. Moreover Demosthenes was for ten years of his minority the leader of a Symmoria[173], viz. of a Symmoria of the property-taxes, and not of the Trierarchy; for orphans did not serve any Trierarchy: and in the second oration against Aphobus he expressly speaks of being leader of a Symmoria of the property-taxes during his minority. Now Demosthenes' father died when his son was seven years old; the son was

οὐσίας μοι καταλειφθείσης τὸν μὲν οἶκον οὐκ ἐμίσθωσε, δέκα δ' ἔτη μετὰ τῶν συνεπιτρόπων διαχειρίσας πρὸς μὲν τὴν συμμορίαν ὑπὲρ παιδὸς ὄντος ἐμοῦ πέντε μνᾶς συνετάξατ' εἰσφέρειν, ὅσον περ Τιμόθεος ὁ Κόνωνος καὶ οἱ τὰ μέγιστα κεκτημένοι τιμήματα εἰσέφερον· χρόνον δὲ τοσοῦτον τὰ χρήματα ταῦτα ἐπιτροπεύσας, ὑπὲρ ὧν τηλικαύτην αὐτὸς εἰσφορὰς ἠξίωσεν εἰσφέρειν, &c.

172 Herald. VI. 1. 7. Wolf p. XCIX. particularly in note 80.

173 Demosth. in Mid. p. 565. 12.

born, according to the correct statement in the Lives of the Ten Orators and in Photius, in Olymp. 98. 4. during the Archonship of Dexitheus, and not, as is supposed by others, in Olymp. 99. 4.[174] Consequently the son first became an orphan, and first fell into the hands of guardians, in Olymp. 100. $\frac{3}{4}$., at the same time also he became the leader of a Symmoria, and continued to be so for ten years. This return made to the Symmoriæ coincides therefore exactly with the period at which the valuation in the year of Nausinicus had been just taken, and it is to this impost that the statement of Demosthenes evidently refers. But who can imagine that at that time, or indeed in any State, and at any time, a property-tax of 20 per cent was levied? If such an event occurred frequently, the property of the citizens must in a short time have either been entirely annihilated, or reduced to a very small amount, as was actually the case in Syracuse, during the reign of Dionysius, who in five years nearly reduced the citizens to indigence, by means of taxes[175]. Without therefore stating those conclusions which the reader himself will be able to deduce from what follows, I only remark, that, according to Demosthenes, the Athenians did not willingly pay large property-taxes, and that an immense sum would have been raised if the tax had been a fifth part of the property; whereas that one imposed in the year of Nausinicus did not produce much more than three hundred talents[176]. Demosthenes however returned to the Symmoria a fifth part of his whole property (εἰσέφερεν εἰς τὴν συμμορίαν), which he inaccurately calls to *contribute*,

[174] See Wolf p. LXII sq.

[175] Aristot. Polit. V. 11.

[176] Demosth. in Androt. p. 606. 27.

or *to pay taxes* (εἰσφέρειν); this sum returned was not however his tax, but his taxable capital (τίμημα): "for a property of fifteen talents," he says, "the taxable capital or the valuation amounts to three talents: a tax of this amount is what I ought justly to have paid," i. e. whatever was the proper percentage of this sum[177]. The valuation (τίμημα) is here accurately distinguished from the property, and just as distinctly from the tax. For how many taxes did Demosthenes pay? His guardians had, according to their own statement, paid 18 minas in the ten years of their guardianship for extraordinary taxes[178]: therefore the taxes of these years amounted *altogether*, and not merely for *one* year, to the tenth part of the valuation, or to the fiftieth part of the property.

From this simple explanation it is evident, that in the valuation taken in the Archonship of Nausinicus, the principle of Solon's valuation was followed in three points, viz. in the registration of the property itself (οὐσία), the taxable part of it, or the valuation (τίμημα), and, lastly, the tax fixed according to the valuation (εἰσφορὰ in the limited sense). The estimate of the property was obtained by a

[177] This is evidently the meaning of the words in the first speech against Aphobus, p. 815. 26. Δῆλον μὲν τοίνυν καὶ ἐκ τούτων ἐστὶ τὸ πλῆθος τῆς οὐσίας. πεντεκαίδεκα ταλάντων γὰρ τρία τάλαντα τίμημα. ταύτην ἠξίουν εἰσφέρειν τὴν εἰσφοράν. It is to this that the useless interpretation in the grammarians refers, that τίμημα was also called τὸ ἐκ τῆς οὐσίας εἰσφερόμενον παρ' ἑκάστου, for example in Photius p. 433. ed. Leips.

[178] In Aphob. I. p. 825. 7. Εἰσφορὰς δ' εἰσηνηνοχέναι λογίζονται δυοῖν δεούσας εἴκοσι μνᾶς. I may remark by the way, that in the accounts of the guardians there is no mention of the regular payment of a duty according to the valuation (τέλος); a strong proof that no such thing existed at Athens.

valuation of all moveables and immoveables; the valuation, or the taxable capital, was only a certain part of this general census, and in the highest classes, to which Timotheus and Demosthenes belonged, was the fifth part; in the others however it was a smaller portion; for Demosthenes expressly says, that only those who had the highest valuations were rated at 500 drachmas for each 25 minas. If, for example, we reckon four classes, the valuation of the second may perhaps have been one sixth of the property, of the third one eighth, and of the fourth one tenth, in order that the poor might be taxed in a fair proportion. It should be also observed, that those persons in the same class, whose property was different did not contribute an equally high valuation, but only the same part of their property; in the first class it was five for every 25 minas; thus the possessor of 15 talents contributed three, of 25 contributed five, of 50 contributed 10; for the reason that the estimate of the whole property of Demosthenes amounted to three talents was, that for 25 minas five was in his class the rate of the taxable capital. But of the taxable capital each person paid the same part whenever any tax was imposed; and how large a part was to be taken could be easily determined, as the sum total of all the valuations was known, which in the Archonship of Nausinicus amounted to 5750 talents. In order to make this clear, let us assume, for the sake of example, four classes, and in the second one sixth, in the third one eighth, in the fourth one tenth, as the portion on which the tax was imposed: farther, as the least property from which taxes were paid, 25 minas; so that the latter is the lowest estimate of property in the last class; as the lowest estimate in the third class two talents, in the second class six, in the first twelve: which are arbitrary assumptions, except

that, as we shall remark below, 25 minas were probably taken as the lowest property which was subject to taxation. If then a twentieth was to be raised, the tax would have fallen in the manner shewn by the following table:

Classes	Property	Of which was taxable	Taxable capital	Property-tax, of $\frac{1}{20}$
First of 12 talents and over	500 talents	One fifth	100 talents	5 talents
	100 talents	One fifth	20 talents	1 talent
	50 talents	One fifth	10 talents	30 minas
	15 talents	One fifth	3 talents	9 minas
	12 talents	One fifth	2 tal. 24 min.	720 drachmas
Second of 6 talents and over, under 12 talents	11 talents	One sixth	1 tal. 50 min.	550 drachmas
	10 talents	One sixth	1 tal. 40 min.	500 drachmas
	8 talents	One sixth	1 tal. 20 min.	400 drachmas
	7 talents	One sixth	1 tal. 10 min.	350 drachmas
	6 talents	One sixth	1 talent	300 drachmas
Third of 2 talents and over, under 6 talents	5 talents	One eighth	37½ minas	187½ drach.
	4 talents	One eighth	30 minas	150 drach.
	3 talents	One eighth	22½ minas	112½ drach.
	2½ talents	One eighth	18¾ minas	93¾ drach.
	2 talents	One eighth	15 minas	75 drach.
Fourth of 25 minas and over, under 2 talents	1½ talents	One tenth	900 drachmas	45 drachmas
	1 talent	One tenth	600 drachmas	30 drachmas
	45 minas	One tenth	450 drachmas	22½ drachmas
	30 minas	One tenth	300 drachmas	15 drachmas
	25 minas	One tenth	250 drachmas	12½ drachmas

An arrangement such as this cannot be considered as very skilful for a State, in which from the beginning of the Peloponnesian war many experiments might have been made as to the collection of property-taxes: the mismanagement of its finances must not however be attributed to a want of political knowledge, but to the endeavours of the government to effect more than it was able; while the passions of individuals and of the populace interrupted the most beneficial measures, and the whole

State was frequently blind to its real interest; at the period however of this valuation there was no want of good intentions either in the Athenian State itself or among foreign powers towards it.

(8.) Since in the two methods of valuation, concerning which some sufficiently accurate accounts are extant, that of Solon in the 46th Olympiad, and that of the year of Nausinicus, in the 100th Olympiad, a distinction, as has been already shewn, was made between taxable capital and property, we may assume that this was a fixed principle at Athens, and that the rate of charge was the only thing that varied. If in Olymp. 88. 1. the total of the taxable capital of Attica was that which Euripides assumed as the basis of his proposal for the levying of a property-tax, viz. 20,000 talents, the first property-tax, as Thucydides states, must have been a 100th (ἑκατοστὴ), since it produced two hundred talents, in the same manner as that calculated by Euripides to produce 500 talents was a fortieth (τεσσαρακοστή). In the Ecclesiazusæ of Aristophanes[179], which was acted in Olymp. 96. 4., a 500th (πεντακοσιοστὴ) is mentioned: this was probably a small property-tax levied at that time in order to meet the public expences, and its highest produce could not have exceeded forty talents. At that time however the taxable capital, if it really

[179] Vs. 999. Although this passage is extremely obscure, the reading is unquestionably correct: Εἰ μὴ τῶν ἐμῶν Τὴν πεντακοσιοστὴν κατέθηκας τῇ πόλει, and τῶν ἑτῶν, which was proposed by Tyrwhitt, is highly absurd. In order to obtain the meaning of these words, something appears to be wanting to us from the Athenian Law, upon which the conclusion is founded which Aristophanes supposes the young man to draw. I have intentionally omitted to pay any regard to the interpretation of the Scholiast.

amounted to so high a sum, came much nearer to the whole property than in the Archonship of Nausinicus, since in that year it only amounted to 5750 talents. Demosthenes [180], estimating the taxable capital in round numbers at 6000 talents, reckons, according to this new method of taxation, the 100th at 60, and the 50th (πεντηκοστὴ) at 120 talents. "Shall I suppose," he proceeds to say, "that you will contribute a twelfth (δωδεκάτη), which would produce 500 talents? but a tax so high as that you would not endure." From this passage it is plain beyond a doubt that the Athenians at that time never taxed themselves so high as a twelfth part of the valuation, which however for the most wealthy only came to 1⅔ds per cent, and for other persons far less. Two property-taxes are known, which can be calculated with great accuracy from the valuation in the year of Nausinicus. The one was imposed a year after Demosthenes' speech upon the Symmoriæ, in which the taxable capital is stated at 6000 talents; and occurred when the Athenians, in Olymp. 106. 4., in the month Maimacterion, on account of Philip's siege of the Heræon Teichos, decreed to send out forty ships, and to raise a property-tax of sixty talents [181]. It was a 100th (ἑκατοστὴ), which the orator states to have been charged at that precise rate, that is, one fifth per cent of the property of the most wealthy. The other is the tax in the Archonship of Nausinicus, which produced rather more than 300 talents; this must consequently have been a twentieth (εἰκοστή) [182]. It might indeed be thought improbable that

[180] De Symmor. p. 185. 18.

[181] Demosth. Olynth. III. p. 29. 20.

[182] Demosth. in Androt. p. 617. 22. uses the word δεκατεύειν with reference to the payment of the taxes in the Archonship of

the 100th produced any more than 57½, or the twentieth more than 287½ talents, since the valuation, according to Polybius, amounted exactly to 5750 talents; but it must be remembered, that the resident aliens were also taxed, who are not included in this valuation; they not only made good what in the former case was wanting to the 60, in the latter to the 300 talents, but were obliged to contribute a large additional overplus, on which account the estimate could be made with confidence, as if the taxable capital amounted to 6000 talents. Demosthenes also unquestionably contributed to the tax of a twentieth in the year of Nausinicus; those eighteen minas which the guardians charged in their account were however, as he himself says, for several taxes; to that tax he could not have contributed more than nine minas, which was the twentieth part of his taxable capital; the other nine were for another tax of a twentieth, or two of a fortieth, or for two fiftieths and one hundredth. These property-taxes were therefore by no means excessive; in ten years Demosthenes only paid the tenth part of his taxable capital, or the fiftieth part of his property, and indeed at the first tax in the Archonship of Nausinicus only half this rate, or one per cent; his property however, even if we deduct a sixth part as paying no interest, must have returned a premium of ten per cent: one per cent of his property is consequently the tenth part of his income. Or, in order to place the

Nausinicus, and the same word in the oration against Timocrates p. 758. 4. This however is a general expression, when the object is to denote the collection of taxes by a vituperative term. If however any person should wish to attribute to this word its literal sense, he should bear in mind, that the orator also says, διπλᾶς πραττοντες τὰς εἰσφορὰς, and that a tax of a twentieth twice collected makes a tenth.

object in a more striking light, while in ten years he only paid two per cent from his whole property, the same brought in, if it was tolerably managed, 100 per cent. This clearly shews the absurdity of the assertions respecting the exorbitant taxes of the Athenian citizens, more particularly if we take into consideration the low rates of the custom-duties, and the cheapness of the chief necessaries of life, by which they were enabled to live upon very small means. If notwithstanding this there was a great disinclination to pay property-taxes, as may be plainly seen from the Olynthiacs and the oration concerning the Chersonese, the fact cannot cause any astonishment, as no one willingly taxes himself; and as to the decrease of the national wealth, the causes originated in other circumstances, the consideration of which does not belong to this place. It is indeed true that we find particular instances of large property-taxes, as, for instance, one mentioned in Lysias of thirty, and another of forty minas; but the great expences of the payer prove the large amount of his property[183]; in proportion to which the tax may have been very moderate, particularly since it only occurred twice. Aristophanes, as is mentioned in the same orator, likewise paid forty minas as his share of the property-tax, although this was not for himself alone, but for his father also; nor upon one occasion, but for several taxes, and in times of the greatest exertions, during the four or five years after the battle of Cnidos (Olymp. 96. 2.); and that Aristophanes (Lysias may conceal it as he will) must have been very wealthy, is proved by the Choregias, which he served for his father and himself; the three years Trierarchy, upon which he expended eighty minas; by his having given five

[183] See book III. 22.

talents for land, and being possessed of much furniture; and also by his having, even before the times of the Anarchy, subscribed 100 minas to the expedition against Sicily, and subsequently 30,000 drachmas to the auxiliary fleet for the Cyprians and Euagoras, which were without doubt paid by Euagoras in the island of Cyprus, where his father was settled[184]. At the same time I will not deny that many persons voluntarily contributed more than their means allowed, and that many were oppressed by too high valuations, while others concealed their property; as, for instance, Dicæogenes, mentioned in Isæus, who from an income of 80 minas contributed nothing to many property-taxes, as he concealed his property, except that he once voluntarily gave three minas[185]; nor, lastly, that a frequent repetition of these taxes at short intervals of time, particularly when, as was the case after the Anarchy, the channels of industry were blocked up, was a great national calamity[186]: from which fact the complaints as to the oppression of the property-taxes are sufficiently explained.

(9.) In the year of Nausinicus the Symmoriæ (*Collegia* or Associations[187]) were introduced with reference to the property-taxes. These are what Harpocration[188] means when he quotes from Philochorus the institution of the Symmoriæ in the Archonship of Nausinicus, since the

[184] Lysias pro Aristoph. bon. p. 642 sqq. cf. p. 633 sqq. and p. 637.

[185] Isæus de Dicæog. Hered. pp. 109—111.

[186] Cf. Lys. in Ergocl. pp. 818, 819.

[187] Cf. Herald. VI. 2. 4. concerning the name, which also is frequently applied to other kinds of Companies.

[188] In v. *συμμοριῶν*, and thence Photius, Suidas, Schol. Demosth. Vol. II. p. 55. Reiske and Scaliger in his *ἰλυμπ. ἀναγρ.*

Symmoriæ, of the Trierarchy were not introduced till afterwards; and Demosthenes became immediately after his seventh year in Olymp. 100. ¾. the leader of a Symmoria[189]: at that time therefore they had been already established. After they had been once introduced, they continued uninterruptedly until the 108th Olympiad. The fact of Demosthenes having been for ten years a leader in the Symmoriæ of the property-taxes, proves their existence up to Olymp. 103. ½.: they were however still in existence in Olymp. 106. 4. which is the date of the speech against Meidias, since Demosthenes says of this person, that "up to the day on which he was speaking he had never been the leader of a Symmoria[190]." Whether they were still in existence in Olymp. 107. 4. has been questioned[191], because Demosthenes in the second Olynthiac[192] says to the Athenians that "formerly they paid taxes by Symmoriæ, but now they administered the State by Symmoriæ;" these words however distinctly prove their existence at that time. For an institution, like the Symmoriæ, might very easily obtain a powerful influence upon the public administration, as the different classes of property, and above all the divisions of people created by them, would produce political parties, and parties could only retain their activity as long as the division existed. Since then, as Demosthenes ironically says, the State was governed by Symmoriæ, the Symmoriæ must have been established by

[189] See above book IV. 7.

[190] Μειδίας δὲ πῶς; οὐδέπω καὶ τήμερον συμμορίας ἡγεμὼν γέγονεν, Demosth. in Mid. p. 565. 19.

[191] Wolf p. XCVIII. note.

[192] P. 26. 21. πρότερον μὲν γὰρ, ὦ ἄνδρες Ἀθηναῖοι, εἰσεφέρετε κατὰ συμμορίας, νυνὶ δὲ πολιτεύεσθε κατὰ συμμορίας. And thence in the oration περὶ συντάξεως, p. 172. 1.

law. The custom of paying taxes by Symmoriæ they had disused; for the obvious reason, that no one will pay taxes if he has any means of avoiding them. The object of Demosthenes evidently is, as the whole oration proves, to raise a tax; but, seeing the disinclination of his hearers, he says to them ironically, that the institution of the Symmoriæ had lost all its meaning, and instead of taxes being raised according to it, that they only used it for political purposes. If the oration against Bœotus περὶ τοῦ ὀνόματος belongs to the first year of the 108th Olympiad, as has been assumed, we should have a proof that at that time the Symmoriæ of the property-taxes were still in existence, since they are there mentioned [193] in opposition to the Trierarchy. The date of this speech may however be placed with much greater probability about Olymp. 107. 1.[194] yet I entertain

[193] P. 997. 1.

[194] Corsini F. A. T. IV. p. 30. and Wolf p. CIX sq. note, suppose this speech to belong to Olymp. 108. 1. after Dionysius: but preponderating reasons compel me to dissent from this opinion. Dionysius places the birth of Dinarchus about the Archonship of Nicophemus in Olymp. 104. 4. and states that at the time of the oration against Bœotus περὶ ὀνόματος, Dinarchus was thirteen years old, as this oration belongs to the Archonship of Θούμηδος or Θεόμνητος; the latter because in the oration περὶ ὀνόματος the expedition of the Athenians against Pylæ is mentioned as having lately taken place. No such fact however is mentioned in this oration: Dionysius clearly meant the expedition against Tamynæ p. 999. and Dionysius should evidently be corrected from this passage, τῆς εἰς Ταμύνας ἐξόδου γεγενημένης, and the hiatus ἡ δ' εἰς . . . Ἀθηναίων ἔξοδος should be supplied with Ταμύνας and not with Πύλας. The probability is that there was also an hiatus formerly in the former words τῆς εἰς . . . ἐξόδου γεγενημένης, the copyist being unable to read in either place the name Ταμύνας of which he was ignorant. Some corrector then

no doubt that this constitution of taxes was still in existence at the later period. It should be observed, that Petit and those who follow him have not recognized any connexion between the Symmoriæ and the property-taxes. Wolf has the merit of having remarked after Heraldus the introduction of the Symmoriæ, and of having distinguished between the passages which treat of the Symmoriæ of the property-taxes, and the Symmoriæ of the Trierarchy. But after we have examined all the statements concerning the property-taxes and the valuation, and although the solution will appear to possess sufficient clearness and simplicity, the chief question as to the mode in which the Symmoriæ of the property-taxes were arranged, will not be answered in a manner at all satisfactory.

The only detailed account of their constitution occurs in the ignorant interpreter of Demosthenes [195], whom we

inserted Πύλας in the former place, who had some vague notion of the well known expedition against Pylæ. Now Dionysius was only acquainted with the expedition and the battle of Tamynæ from the oration against Meidias, which speech he falsely attributes to Olymp. 107. 4. allowing himself to be misled by the Olynthian expedition there mentioned; and from that he places the birth of Demosthenes four years too late. For the same reason he also places the battle of Tamynæ four years too late; since it probably was fought in Olymp. 106. 4. (comp. below chap. 13.). That the date he assigns is 108. 1. whereas agreeably to his calculation it should have been Olymp. 107. 4. is in fact no objection, as two successive civil years are always confounded from their being included in the same natural year reckoned from spring to spring. Consequently on account of the Euboean expedition, and the battle of Tamynæ, the oration against Bœotus περὶ ὀνόματος must be placed four years earlier, viz. about Olymp. 107. 1.

[195] P. 33. ed. Hieron. Wolf. See F. A. Wolf p. XCV.

usually call Ulpian, in a passage upon the second Olynthiac oration, wherein we may follow Wolf in separating the first from the second part, as being more ancient. "Each of the ten tribes," he says, "was obliged to specify 120 of its own members who were the most wealthy. These 120 then divided themselves into two parts, so that there were sixty whose property was very large, and the other sixty less rich. They did this in order that if a war should suddenly break out, and that the less wealthy should not happen to have any money at their disposal, those who were more rich might advance the taxes for them, and be afterwards repaid at the convenience of the others. This body of sixty was called a Symmoria." In the second part, which is the work of a different hand, it is stated, that "since each of the ten tribes specified 120, the whole number of Liturgi (as they are here called) was 1200: that these were distributed into two divisions, each of 600 persons or ten Symmoriæ; that these two great divisions were again sub-divided into two smaller, each of which was composed of 300 persons or five Symmoriæ. One of these bodies of 300 was made up of the most wealthy, who paid the taxes either before the others or for them (προεισέφερον τῶν ἄλλων), the other 300 being in all things subject to them." So far the account is in some measure intelligible: that which is farther added is both absurd and foreign to our purpose. According to this then it appears that two classes of three hundred under similar arrangements were instituted, the members of which were of nearly equal property, and advanced money for the payment of taxes for two others equally poorer. There is however no intelligible reason why the six hundred most wealthy were to be divided into two equal portions, if in all other respects they were similarly con-

stituted; it is far more probable that the first three hundred were a higher class; therefore to *pay taxes among the three hundred*, means the same as *to pay taxes among those who contributed the largest amount* [196]. The only passage from which it might be inferred that there existed two classes of three hundred persons similarly constituted, is that already quoted from the second Olynthiac [197] (and it is from this that Ulpian has principally formed his view of the subject, and drawn many other false conclusions); "Now you administer the State by Symmoriæ, an orator is the leader of both, and under him a general, and the three hundred, who are always ready to clamour, while the rest of you are assigned, some to one and some to the other." I confess that I do not entirely understand this passage, but I cannot explain it in any other way than by supposing that two classes of different degrees of wealth were the highest, since the immediate effect of a different scale of property would be to create a spirit of party between the classes; while the contest which in ancient days always existed between the superior and inferior, the rich and the poor, would necessarily be combined with it, although in a less degree. Upon this point however we need give ourselves no trouble; but that twelve hundred was the entire sum of those who paid taxes is wholly incredible, and can by no means be assumed upon the testimony of such a writer as Ulpian. The passages of the ancient writers and of the grammarians bearing on this subject are extremely indefinite; in several of

[196] Isæus de Philoctem. Hered. p. 154. Orat. in Phænipp. p. 1046. 20. p. 1039. 17. The account given in Lex. Seg. p. 306. is too vague to be of any service.

[197] P. 26. and thence in the speech περὶ συντάξεως with some alterations.

them we do not even know whether they refer to the twelve hundred of the property-taxes, or of the Trierarchy [198]. The thousand, whom Harpocration quotes from Lysias and Isæus, and considers as identical with the twelve hundred, can neither be referred to the Symmoriæ of the property-taxes after the year of Nausinicus, nor to the Symmoriæ of the Trierarchy [199], since Lysias died in Olymp. 100. §. [200]. Philochorus treated of the Symmoriæ in the Archonship of Nausinicus, in the fifth book of the Atthis [201], but of the twelve hundred in the sixth book [202]; they were therefore wholly distinct, so that he rather appears to have mentioned the latter in connexion with the Trierarchy according to Symmoriæ which was subsequently introduced. Isocrates [203] however calls those who paid taxes and performed Liturgies "the twelve hundred;" where from the context all Liturgies, and particularly the Trierarchy, may be understood; so that twelve hundred must have borne all the property-taxes and all Liturgies, including the Trierarchy. But this passage again proves nothing, as it is perfectly fair to suppose that an orator might express himself in such terms in speaking of

[198] As e. g. of Harpocration in v. *συμμορία* (although in this passage the Symmoriæ of Nausinicus are the Symmoriæ of the property-taxes) and in v. *χίλιοι διακόσιοι*.

[199] The latter is the opinion of Wolf p. CX. note.

[200] Taylor, Vit. Lys. p. 150. Vol. VI. Reisk.

[201] Harpocration, and thence Phot. Suid. and Etymol. in v. *συμμορία*.

[202] Harpocrat. in v. *χίλιοι διακόσιοι*.

[203] De Antidosi p. 80. ed. Orell. *εἰς δὲ τοὺς διακοσίους καὶ χιλίους τοὺς εἰσφέροντας καὶ λειτουργοῦντας οὐ μόνον αὐτὸν παρέχας, ἀλλὰ καὶ τὸν υἱόν· τρὶς μὲν ἤδη τετριηραρχήκατε, τὰς δ' ἄλλας λειτουργίας πολυτελέστερον λελειτουργήκατε καὶ κάλλιον ὧν οἱ νόμοι προστάττουσιν.* Similarly Harpocration in v. *χίλιοι καὶ διακόσιοι: οἳ καὶ εἰσφέρουν.*

an exclusive class like the rich, who paid the largest portion of taxes, and to whom the State on every occasion first looked for assistance. And although similar statements are highly embarrassing to the writer who endeavours to reconcile all contradictory statements, yet the reasons for considering that all the inhabitants of the State not included in the twelve hundred, whose property was at all considerable, were subject to taxation, are so preponderating, that it is impossible to refuse our assent to them. If we supposed that only twelve hundred rich persons paid the property-taxes, the result would be in the highest degree improbable. In the oration against Leptines, which was delivered in Olymp. 106. 2., when the Symmoriæ of the property-taxes were in existence, the rich both served the Trierarchy and paid property-taxes[204]. Thus, if there were only twelve hundred who contributed to the property-taxes, none but the Trierarchs, as they were twelve hundred in number, would have paid this impost; which is evidently absurd. Demosthenes says himself that those also paid taxes who were too poor for the Trierarchy. And how could it have happened that no more than twelve hundred possessed a sufficient amount of property to enable them to pay taxes, since in the 94th Olympiad there were only five thousand citizens not possessed of some landed property, and so late as in Olymp. 114. 2. nine thousand citizens had more than two thousand drachmas[205]. And moreover how liberal would the Assembly have been with property-taxes, if all the burthen fell upon twelve hundred. Lastly, as has been proved, the property-tax was a fixed part of the total valuation after the

[204] See above chap. 1.

[205] See chap. 3.

year of Nausinicus, and it is frequently considered as such by Demosthenes, in the oration concerning the Symmoriæ[206]; but at that time (Olymp. 106. 3.) the Symmoriæ of the property-taxes were in existence. The total valuation of 5750 or 6000 talents was not the property of only twelve hundred citizens, but the valuation of the whole country (τίμημα τῆς χώρας), according to the statements of Demosthenes and Polybius; although Ulpian[207] infers from the obscure and difficult exposition of Demosthenes in the speech concerning the Symmoriæ, that it was only the valuation of the twelve hundred Trierarchs. It might indeed be easily proved by calculation, that twelve hundred could not be the possessors of the whole valuation, if an assumption which has already involved the supporters in such evident contradictions required any refutation. Demosthenes was in the highest class to which those who had the largest valuations belonged; his valuation however only amounted to three talents. Assuming now that there were four classes, which together made up twelve hundred persons, and that each class contained about three hundred taxable members; that moreover the valuation of the highest class was upon an average greater than that of Demosthenes, for example, five talents (which supposes a property of fifty talents for each person, and therefore is more likely to be too high than too low,) the total valuation of the first three hundred only amounted to fifteen hundred

[206] See chapters 4, 7, and 8.

[207] P. 141. τὴν δὲ οὐσίαν τὴν τῶν χιλίων καὶ διακοσίων τριηράρχων τετιμῆσθαί φησι ταλάντων ἑξακισχιλίων. I will return again to this subject in the twelfth chapter, when speaking of the Trierarchy. Budæus indeed ut sup. p. 539. considers the 6000 talents as the whole valuation, and in p. 540 sqq. as the valuation of the 1200.

talents. Now evidently the three other classes could not have had three times fifteen hundred talents, because not only was their property less, but the valuation was of a smaller part of their property [208]. Let any person reckon as he pleases, let him assume a greater or less number of classes, he never can obtain six thousand talents for twelve hundred men, if in the highest class there were persons whose valuation only came to three talents, unless indeed assumptions altogether groundless are admitted. The calculation of Budæus is wholly unfounded [209]. He considers the twelve hundred alone as the superior class to which Demosthenes belonged, and assumes that others had higher valuations, for example, four hundred upon an average three talents, another four hundred four talents, and another four hundred eight talents, which altogether gives six thousand talents. But if twelve hundred individuals were the sole possessors of the whole taxable property, the classes of valuation must have referred to these alone. If the class of Demosthenes was that which had the highest valuations, these must have been inferior classes; and in fact if twelve hundred possessed the whole valuation, the lower classes must have been those of the twelve hundred; thus the hypothesis of the learned writer falls to the ground. It is therefore far more probable that many others besides the twelve hundred paid taxes, who, although their property was less considerable, were assessed in the total valuation; and this supposition receives considerable support from a fact mentioned in an oration of Demosthenes. Androtion was employed to collect some outstanding taxes which be-

[208] Book IV. 7.

[209] Ut sup. p. 542.

longed to the impost laid on in the Archonship of Nausinicus, seven out of fourteen talents; they were however small sums, not one amounting to a mina, as Demosthenes says, but a little more than seventy drachmas from one person, and from another thirty-four[210]. That these were the arrears of payments which had been made by instalments is very improbable; we are no where informed that the payments were ever made in this manner; nor is it indeed credible, since the necessities of the State required prompt payment. We should not therefore be justified in assuming that such a liberty was granted by the State; and even if it did exist, what rich man would have remained thirty-four drachmas in debt? It follows therefore that these were taxes due from persons of small fortune, who, from their inability to pay them, were obliged to submit to be insultingly treated by Androtion, and to be unjustly thrown into prison; and since Androtion collected seven talents, and as no one paid a whole mina, he must have collected taxes from at least four or five hundred persons. Now if we reckon that the other seven talents were in like manner chiefly made up of small sums, which is the only probable assumption, it gives about twelve hundred people whose taxes were in arrear; these however cannot have been the twelve hundred wealthy persons, but citizens of a lower valuation, who paid even such small sums as these with difficulty. In addition to this the lands of corporations were subject to the property-taxes, as an inscription of the 114th or

[210] Demosth. in Androt. p. 606 sq. particularly p. 611. 21. In the speech against Timocrates p. 751. 4. only five talents are mentioned, although in other respects nearly the same account is given in both places.

115th Olympiad shews[211]: the corporations however cannot well have been among the twelve hundred. Or shall we assume that the Symmoriæ had been at this period for the second time abolished? For that however we should be compelled first to assume, contrary to all probability, that the property of the corporations had not been before subject to taxation. From the whole of this argument it follows that a number of persons with small fortunes or valuations were distributed into Symmoriæ, and in such a manner that equal parts of the valuation were contained in them (in the same way that Demosthenes proposed to distribute the valuation with regard to the Trierarchy)[212], and that the twelve hundred composed the first rank. There were according to Ulpian twenty Symmoriæ, and of these each one must have made up three hundred talents, each could be again subdivided into a fifth, and each fifth into a third, so as to make three hundred, in the same manner that Demosthenes makes one hundred divisions. The three hundred most wealthy can only have been the presidents of these divisions; next to these would come three hundred, whose wealth entitled them to the second rank; and after these two other divisions of three hundred classed in like manner according to the value of their property; and these twelve hundred together composed a body that managed the affairs of the Symmoriæ, which duty however fell chiefly upon the first three hundred. The members of less property who were assigned to these, were not taken into consideration, as the more wealthy were always compelled to bear the chief part of the burthen, and to manage the business of the whole body. Thus at least the constitution of the Symmoriæ assumes an intelligible form,

[211] See above chap. 6. [212] See chap. 13.

and the statements of the ancients can be in some measure reconciled. If however any other person can explain the subject in a more satisfactory manner, to no one would it be more agreeable than to myself, and above all I hope that Wolf may in the promised new edition of the oration against Leptines turn his acute mind to the consideration of this point.

That the three hundred were, in a certain sense, managers of the Symmoriæ there can be no doubt; but whether those who are called the leaders of the Symmoriæ (ἡγεμόνες συμμοριῶν) [213] are the same, or whether they were only included in them, is a point which I shall leave undetermined. Whichever we suppose to have been the case they must have been the most wealthy, in the same way that in the Trierarchy the second and the third classes are opposed to the leaders [214]. The Symmoriarchs [215] were either the same with the leaders, or with the superintendants of the Symmoriæ (ἐπιμεληταὶ τῶν συμμοριῶν), who occur in connexion with the Trierarchy, and without doubt they also belonged to the Symmoriæ of the property-taxes. Of the manner in which these persons conducted the affairs of the Symmoriæ we are entirely ignorant: it is however natural to suppose that they presided over the assemblies and proceedings of the Symmorites. It is certain that they kept the Diagramma of their Symmoriæ, which was a register of the properties of the

[213] Concerning whom see book IV. 7. and Harpocrat. Suid. in v. ἡγεμὼν συμμορίας, although in the latter place the leaders of the Symmoriæ connected with the Trierarchy are meant.

[214] Demosth. de Corona p. 260. 20.

[215] Hyperides ap. Poll. III. 53. Heraldus (VI. 2. 8.) understands the Symmoriarch to be the person who contributed the most, for which there is not sufficient foundation.

members, and of the amount which each one was respectively required to pay, in the Symmoriæ of the property-taxes as well as in those of the Trierarchy: but whether the persons who kept this register (διαγραφεῖς, ἐπιγραφεῖς) were again different, or were a committee of the superintendants of the Symmoriæ, is unknown. If the speech of Hyperides against Polyeuctus concerning the Diagramma or that of Lysias concerning the property-taxes, which however is anterior to the institution of the Symmoriæ, had come down to our days, we should be better informed with regard to the valuation and all the subjects relating to it[216]. The chief persons were moreover compelled to pay the taxes in advance (προεισφορά), which obligation Ulpian ascribes to his two bodies of three hundred under similar arrangements: this however may be with more probability understood of the first three hundred[217]: in the same manner as in the present day forced loans are taken from the rich, with which this advance of taxes may be aptly compared, although we are ignorant what was the exact distinction between the two. The advance of taxes was not however always claimed; in the Archonship of Nausinicus the duties were collected by the State itself, as is proved by the fact of Androtion's gathering the taxes that were still unpaid; whereas in cases where the taxes were to be paid in advance, the payer had to deliver in the

[216] Harpocrat. in v. διάγραμμα, where observe the words πρὸς τὴν τίμησιν τῆς οὐσίας, and thence Suidas in vv. διάγραμμα, διαγράμματα, διαγραφεὺς, διαγραφὴ, also Lex. Seg. pp. 236, 241. Harpocrat. in v. ἐπιγραφεῖς, Zonaras in vv. διάγραμμα and ἐπιγραφῆς.

[217] Orat. in Phænipp. p. 146. 20 sq. This Demosthenes περὶ συμμοριῶν p. 185. 14. calls μέρος τῶν ὄντων ὑπὲρ ἑαυτοῦ καὶ τῶν λοιπῶν προεισενεγκεῖν. The ἀλληλέγγυον in the kingdom of Byzantium was of the same nature.

money without it being claimed of him[218]. For the imposition of a tax to be paid in advance, a decree of the people was necessary[219], and sometimes even the persons were appointed by the senate, who were to advance the taxes for their fellow-burghers, as well as for all others who possessed landed property in the borough (οἱ ἐγκεκτημένοι). The client of Lysias in his oration against Polycles had landed property in three boroughs, and was rated for all three to the advance of taxes, although, as he was Trierarch, he was under no obligation to pay them. It should be observed that the relation with regard to this point which existed between the boroughs and the Symmoriæ cannot be accurately explained, nor is it of any importance for our enquiries; but so much is clear from this example, that the landed property was taxed according to the boroughs, a fact which is not irreconcileable with the other regulations respecting property-taxes. In the same way in Potidæa the possessors of more than one estate paid taxes for each respectively to the borough in which the land lay, and not collectively for all to the borough in which he was himself entered; as this was the only method of determining with certainty whether the less wealthy had been justly taxed[220]. It is natural that upon the repetition of the necessity of paying the taxes in advance, complaints should have been made[221]. The whole property was answerable for the payment of taxes, the State having the power to confiscate

[218] Demosth. in Polycl. p. 1209. 4.

[219] Ibid. p. 1208. 25.

[220] Pseud-Aristot. Œcon. 2. 5. and there Schneider.

[221] This is the meaning of Demosth. in Pantænet. p. 877. 19. ἂν προεισφορὰν μὴ κομίζηται, if a person was not repaid the money which he had advanced.

it in case of failure[222]. Moreover if any person thought that he could shew that he had been unjustly included among the three hundred who paid the taxes in advance, and that some other could with greater justice be substituted in his place, the legal remedy for the aggrieved party was the *ἀντίδοσις* or exchange, to which the speech against Phænippus refers.

There still remain two points to be discussed, the explanation of which we have intentionally deferred

[222] Demosth. in Androt. p. 609. 23. and in Timocrat. p. 752. To this Photius and Suidas in v. *πωλητὴς* also refer; *ὑπέκειντο δὲ τοῖς πωληταῖς καὶ ὅσοι τὸ διαγραφὲν ἀργύριον ἐν πολέμῳ μὴ εἰσέφερον.* I may observe in this place that a fragment of an Inscription in Cyriacus (p. XVI. 117.) and Muratori (Vol. II. p. DLXXVIII. 1.) whose scanty notes I need not take any notice of, refers to an *εἰσφορά*. The Inscription belongs to the time of the Romans, since *ἀργυροταμίαι* was not the name of any Athenian authority before their rule, which it was in the reign of Hadrian (see the law in Spon's Travels, T. III. part 2. p. 28. Wheler's Travels, p. 390.), and *ἑκατοστιαῖοι τόκοι* is evidently a translation of the Latin phrase *usuræ Centesimæ*, as in IX. 3. 87. and in Zonaras p. 650. and therefore the *εἰσφορὰ* may be something totally different from the ancient property-tax, as the word signifies any contribution or direct tax whatever. We may observe that from what is to a certain degree intelligible in this Inscription it may be seen that at this period whoever did not pay this *εἰσφορὰ*, was obliged to pay interest for it and provide sureties, and that after the expiration of the term the property might be confiscated which had been given as security; *Ἐπιτίμιον ὁριζέτωσαν αὐτοῖς κατὰ τὴν τῆς ἀπειθίας ἀξίαν.* [*ἐὰν δέ*] . . . . . *εἰσφέρειν μὴ βούλωνται — — — πρῶτον μὲν ἑκατοστιαίων τόκω*[*ν*] *ἀφ' οὗ δεῖν ποιήσασθαι τὴν εἰσ*[*φορὰ*]*ν οὐκ ἐποιήσαντο, μέχρι μηνῶν ἄλλων δύο τῆς τελευταίας ἀποδόσεως. μετὰ δὲ τοὺς* [*μῆνας*] *τούτους εἰ μένοιεν μὴ πειθόμενοι, ἀποδόσθωσαν οἱ ἀργυροταμίαι μετὰ τοῦ κήρυκος τὰς ὑποθήκας — — — — πρῶτον μὲν τῶν* [*μὴ*] *δεδωκότων, εἶτα καὶ τῶν ἐγγυητῶν,* &c.

to the end of these enquiries. In the first place, it appears singular that in the valuation made in the year of Nausinicus a fixed sum, viz. 2500 drachmas, was taken as the taxable capital for all persons indiscriminately; and that it was then determined what portion of this amount was in each class to be paid as a tax[223]. For this I can find no other reason than that this amount of property was the lowest which came into consideration on the imposition of the tax; it being fixed how much the valuation of each person should amount to, if his property was only 2500 drachmas; and for properties of greater amount, what the possessor was to pay for every 2500 drachmas. When Antipater made the rights of citizenship depend upon the amount of property, the lowest rate was 2000 drachmas, which agrees well with our assumption. Demosthenes[224] indeed asserts, that "whereas his family used formerly to perform Trierarchies, and to pay large property-taxes, now that he had only received from his guardians thirty-one minas and his father's house, by means of their shameless frauds he could not even afford to pay *small* property-taxes:" but an expression of this kind, spoken in the feelings of bitterness, and in the consciousness of the injustice which he had sustained, cannot be understood literally to mean that no taxes were imposed on a property of this amount; especially as it cannot be denied, that a property-tax upon so small an estate was oppressive, and consequently a person might say that he could not bear it, even if he was bound to pay it. The other question is, for

[223] See book IV. 7.

[224] In Aphob. I. p. 833. 24. cf. 825. 6.

what reason Demosthenes[225] should propose in two places that all should pay taxes, every one in proportion to his property, if, as we have assumed, this was already the case according to the actual regulations. As it is the unpleasant duty of the enquirer into ancient history to collect every expression that may be accidentally thrown out, he is often unable to explain such indistinct allusions as these, since the author wrote for contemporaries, and not for posterity. At the same time, our orator gives thus much to be understood, that the public administration was left to some; while others were compelled to perform the Trierarchy, to pay the taxes, and to serve in the army; and he proposes that it should not be permitted that one party should be always passing decrees merely for the disadvantage of the other, as the injured one would be always indolent, and never perform as much as was required of it[226]. But who then are these who administered the public affairs? They can have been no others, as has been before stated, than the three hundred in the Symmoriæ, who composed the political parties. If then there were some who did not pay taxes, these appear to have been the very persons; and if this was in fact the case, the irregularity was at variance with the principles of the Constitution. It almost appears as if the wealthiest in the Symmoriæ had at that time unjustly thrown the burden upon the poorer, exactly as was the case in the Symmoriæ

[225] Olynth. I. p. 15. 1. Ἔστι δὴ λοιπὸν, οἶμαι, πάντας εἰσφέρειν, ἂν πολλῶν δέῃ πολλὰ, ἂν ὀλίγων ὀλίγα. Olynth. II. p. 27. particularly in the words, λέγω δὴ κεφάλαιον, πάντας εἰσφέρειν ἀφ' ὧν ἕκαστος ἔχει τὸ ἴσον. Wherefore the meaning of τὸ ἴσον of course is, *one person like another in equal proportion.*

[226] Olynth. II. ubi sup.

of the Trierarchy[227]. Let any person who may hope to find a clue suggest some other solution of the difficulty.

(10.) We have hitherto been treating of the Liturgies and the taxes of the citizens, which were paid by all (though only for the property which they possessed in Attica), even if they lived abroad[228]. That those who had been created citizens (δημοποίητοι), such, for instance, as Pasion the rich banker, and Apollodorus his son, paid taxes and were in the Symmoriæ (unless, like Leucon, the king of the Bosporus, they had an immunity), is hardly worth remarking; and the only reason that Harpocration[229] quotes out of Hyperides that the δημοποίητοι were in the Symmoriæ of the Trierarchy is, that they were admitted only into the Families and Phratriæ, and not into the Tribes and Boroughs. But the Resident Aliens (μέτοικοι) and the Isoteles (μέτοικοι ἰσοτελεῖς) also performed public services which were different from the Liturgies of the citizens[230], and paid property-taxes. The resident aliens could, as well as the citizens, obtain an exemption from the Liturgies, particularly the Choregia[231]; and not only this, but there even occurs a case, apparently in the age of Demosthenes, of some Sidonian citizens resident at Athens having been allowed an exemption from the property-taxes[232]; at the same time we have but little know-

[227] See chap. 13.

[228] Demosth. in Lept. §. 31. (p. 469. 5.) cf. §. 25. (p. 466. 10 sqq.)

[229] In v. συμμορία.

[230] Thence μετοίκων λειτουργίαι and πολιτικαὶ λειτουργίαι.

[231] Demosth. in Lept. §. 15 sqq. (p. 462. 13 sqq.) §. 50. (p. 475. 23 sqq.) Inscript. ap. Chandler. Marm. Oxon. II. XXIV.

[232] Marm. Oxon. ubi sup. Concerning the ἀτελεῖς μέτοικοι, as Pollux (III. 56.) calls them, also see book III. 7 and 21.

ledge of these Liturgies of the resident aliens. Their Choregia, according to the testimony of the Scholiast to Aristophanes[233], took place at the Lenæa: Lysias[234] speaks of the Choregias which he had performed; but, since he was an Isoteles (though from what time we are ignorant), this does not prove that the common resident aliens performed several Choregias. Of the Trierarchy and Gymnasiarchy of the resident aliens nothing is known; in fact it is impossible to conceive that they existed. On the other hand, the account in Ulpian[235], taken from some ancient commentator, that they provided a banquet (ἑστίασις) in the same manner as the tribes, has every probability on its side, since they had their own Jupiter (Ζεὺς μετοίκιος), and separate religious rites, and consequently their own festivals, at which banquettings of this kind used to be given. Lastly, there remain to be mentioned the Scaphephoria[236], the Hydriaphoria, and Sciadephoria, which were inferior and dishonourable services imposed upon the resident aliens. With regard to the property-taxes, Lysias[237], a resident alien or an Isoteles, boasts of having paid several; and they are often mentioned in connexion with the resident aliens[238]. This class of settlers composed distinct Symmoriæ (μετοικικαὶ συμμορίαι)[239], which had treasurers of their own, and a fixed contribution was settled for each one by persons

[233] Plut. 954. where the doubts of Hemsterhuis are of no importance.

[234] In Eratosth. p. 396.

[235] Ad Lept. §. 15.

[236] Lex. Seg. p. 280. p. 304. and others.

[237] Ubi sup.

[238] E. g. Lysias in Frumentar. p. 720.

[239] Hyperides ap. Poll. VIII. 144.

appointed for that purpose (ἐπιγραφεῖς)[240], which was of course only to be paid upon the moveable property in Attica, since, with the exception of the Proxeni and Isoteles, no resident alien had the right of possessing land. What however was the average amount of this tax for any given rate cannot be determined; and there can be no doubt that the whole valuation of the resident aliens was very different at different times, as they were not domiciliated in Attica. Probably the larger number of them were poor. As examples of rich aliens we may mention Dinarchus the orator, Cephalus, and his son Polemarchus, and Lysias[241]: the latter not only had three houses and 120 slaves, but, in addition to vessels of silver and other articles of furniture and manufactured goods, was possessed of three talents of silver, four hundred Cyzicenics, and one hundred Darics, in ready money. Other rich aliens are mentioned to have been executed by the thirty tyrants for the sake of their property. It cannot be supposed that a large sum could ever have been collected from them, however strict the laws may have been against concealment, as their property was easily concealed, and they were naturally ill-inclined to the State[242]. They were besides more severely pressed for money than the citizens; hence Demosthenes speaks of the unfortunate aliens: thus, for instance, in the tax levied during the Archonship of Nausinicus they contributed the sixth part[243], which is

[240] Harpocration in v. ἐπιγραφεῖς, Isocrat. Trapezit. 21.

[241] Concerning Dinarchus see Dionysius Halicarnassensis in the Life of Dinarchus, and of the others Plat. Rep. init., Lys. in Eratosth. p. 386 sqq.

[242] Lys. in Frument. ubi sup.

[243] Demosth. in Androt. p. 612. προσήκειν αὐτῷ τὸ ἕκτον μέρος

mentioned in such a manner that it is plain that this was a higher rate than that which the poor citizens paid. The tax in the year of Nausinicus was a twentieth, and are we to suppose that while the citizens paid a twentieth, the resident aliens contributed the sixth part of the valuation? This cannot appear probable. If a tax of a twentieth had been imposed upon the taxable property of the citizens, a larger amount could not have been raised from the resident aliens, as the injustice and severity of such a measure would have been too evident. To understand with Ste. Croix [244] the sixth part of the property itself is not less absurd than to suppose that the citizens paid a fifth part. *To contribute* (εἰσφέρειν) does not merely mean to *pay taxes*, but to enter a certain taxable capital into the Symmoriæ [245]. The citizens of the first class returned the fifth part of their property as taxable capital; the other classes a smaller part: the resident aliens however appear upon an average to have been rated with the sixth part of their property, which probably in the far greater number of cases was very oppressive.

Of the aliens who were resident in Attica there was a particular portion that enjoyed certain rights and privileges called Isotelia, the nature of which, on account of the scarcity of information, is involved in some obscurity. The Isoteles (ἰσοτελεῖς, ὁμοτελεῖς) [246], after the Proxeni, were next in rank to the citizens, without being in fact

εἰσφέρειν μετὰ τῶν μετοίκων. Cf. p. 609. extr. where he uses the expression, τοὺς παλαιπώρους μετοίκους.

[244] Mém. de l'Acad. des Inscriptions, T. XLVIII. p. 185. in his Memoir upon the μέτοικοι.

[245] See above chap. 7. particularly note 171.

[246] Pollux III. 56. Concerning them in general see also the Memoir of Ste. Croix above cited.

citizens; they were neither entered into the Tribes and Boroughs, nor into the Phratriæ and Families; and, like other foreigners and resident aliens, they were, together with the Proxeni, subject to the jurisdiction of the Archon Polemarchus[247]. Hence it may be justly wondered how so acute a writer as Wolf could imagine that they had the right of voting, and were eligible to public offices[248]. No one but a citizen could vote in the Assembly, and for this it was necessary that he should have been entered into the tribe and borough: in like manner no Isoteles could sit in a court of justice. The testimony of Ammonius and Thomas Magister, who assert that they had all the privileges of citizens, with the exception of the offices of government, is wholly undeserving of credit, unless among the offices of government (τὸ ἄρχειν) they include, contrary to the usual custom, the rights of voting and judging (τὸ ἐκκλησιάζειν καὶ δικάζειν). With regard to the latter point however, they certainly had some privileges; for they could be appointed Diætetæ[249]: it is however by no means probable that they could have been appointed by lot public Diætetæ; since there can be no doubt that they had no Patron (προστάτης), which is evident without any explicit testimony; they could transact business directly with the people and the proper authorities, without it being necessary for that reason that they should have the right of voting in the public assembly. They had more-

[247] Pollux VIII. 91.

[248] Wolf p. LXIX sq.

[249] Demosth. in Phorm. p. 912. extr. See Hudtwalcker von den Diäteten p. 2. who in pp. 40 sqq. makes it probable, from the authority of Suidas, that aliens could not be public Diætetæ. An Isoteles was however only a μέτοικος, and so far an alien.

over the right of possessing both land and mines[250]. With regard to the Liturgies and taxes, they were, as their name shews, on the same footing as the citizens; they neither paid any protection-money, nor did they ever contribute the same amount as the resident aliens[251], but were upon the same level with the citizens[252]; and from these taxes they could be exempted in the same manner as the citizens, for the law of Leptines expressly mentions the Exemption of the Isoteles. Their valuation must therefore have been entered in the register of the citizens, more particularly as they possessed landed property; and it was according to this rate that they paid property-taxes, and not according to the scale of the resident aliens. With regard to the Liturgies, they were unquestionably exempted from the degrading services performed by the resident aliens; and in reference to this point, as well as to the military service, they may have been entered in the registers of the tribes. Moreover, as to whether the Isoteles, as is asserted[253], were compelled to give a larger sum for places of distinction, or whether they gave less than the resident aliens[254], a determinate judgment appears impossible, since, according to the different circumstances of the

[250] Book I. 24. III. 3.

[251] Harpocrat. in v. *ἰσοτελής*.

[252] This is the *τέλος ὡρισμένον*, of which Suidas (in v. *ἰσοτελὴς*) speaks, i. e. a duty determined according to the valuation, when the time occurred. The other passages of the grammarians and modern writers may be seen in Wolf p. LXX. The article in the Lex. Seg. p. 267. upon this subject is quite correct: *Ἰσοτελεῖς: μέτοικοι τὰ μὲν ξενικὰ τέλη μὴ τελοῦντες, τὰ δὲ ἴσα τοῖς ἀστοῖς τελοῦντες.* See also Photius.

[253] Wolf p. LXI.*

[254] See Ste. Croix p. 190.

case, either the one or the other may have existed. It throws some light upon the question, that in the property-taxes the majority of the citizens, with whom the Isoteles were equal, were rated lower than the resident aliens. A more exact account as to the obligations of the Isoteles with regard to the Liturgies, was contained in the speech of Isæus against Elpagoras, which is unfortunately lost [255].

(11.) We will now proceed to consider the extraordinary Liturgy, the Trierarchy, which, although it has been frequently treated of by the early scholars[256], and its nature more fully ascertained by the enquiries of Wolf, must nevertheless be submitted to a new examination, in order to explain how far the person who provided it was assisted by the State; what changes it underwent in the different periods, and when these took place; and, lastly, what proportion the services bore to the property of the Trierarch. The object of this Liturgy was to provide for the equipment and management of the ships of war. Whoever undertook it, was called, by virtue of his office, Trierarch, and attended the ship wherever it went in person, or, what is the same, by means of a deputy. This institution produced great advantages to the State, on account of the competition to fill the office of Trierarch; but since in war the opportunity of victory, if not seized when it presents itself, will

[255] Harpocrat. in v. ἰσοτελής.

[256] I may mention Sigonius (de Rep. Ath. IV. 4.), who is so clear on all the other subjects which he has treated, Petit, who is always confused (Leg. Att. III. 4.), Budæus (de asse et partibus ejus V. p. 531 sqq.), Scheffer (Mil. Nav. II. 4. and particularly VI. 6.), Tourreil (Notes to his Translation of the Oration for the Crown in his Works, Paris, 1721. T. IV. pp. 501 sqq.), and Barthélemy (Anacharsis T. IV. chap. 56.).

not wait for the dilatoriness of the combatants, the favourable instant was frequently lost, by the want of dispatch necessarily connected with the Trierarchy[257]; and since the division of the burthens was frequently made upon unfair principles (until Demosthenes introduced the only just method of allotment), many individuals were grievously oppressed. The first disadvantage they sometimes remedied by appointing Trierarchs beforehand, especially in early times. And we may in the first place consider that the duties of those to whom Themistocles transferred the building of the ships, were of this kind[258]; and again, the Trierarchs who in Olymp. 87. 2. were required to provide the hundred triremes which were always to be kept prepared for the defence of Attica in case of an attack by sea[259]; and, lastly, the 400 annual Trierarchs mentioned in Xenophon[260]. But in Olymp. 107. 1., when Demosthenes delivered the first Philippic, the appointment of the Trierarchs did not take place till the fleet should have been in readiness to sail[261]. They were nominated by the generals, who[262], as being the legal authorities for military affairs, brought the causes relating to the Trierarchy into court. The amount of expence was unquestionably fixed according to the rate actually required by law, by means

[257] Demosth. Philipp. I. p. 50. 18.

[258] Polyæn. Strateg. I. 30. 5. The other passages relating to this point, and some observations suggested by them, may be seen in my Dissertation upon the Silver-mines of Laurium.

[259] Thucyd. II. 24.

[260] Xenoph. Rep. Ath. 3. 4.

[261] Demosth. ubi sup.

[262] Demosth. in Lacrit. p. 940. 16. in Bœot. de Nomine p. 997. 2. Comp. Suidas in the passage quoted by Matthiä Misc. Philol. vol. I. p. 249.

of the Diagramma of the Trierarchy. If any one thought that he was too heavily burthened in comparison with another who could bear the Liturgy better than himself, the ἀντίδοσις or exchange was open to him. In extreme cases they fled for refuge to the people, or to the altar of Diana at Munychia[263]. Those who were in arrear could be put into prison by certain officers, whose duty it was to expedite the business relating to the Trierarchy, and to dispatch the fleet (οἱ ἀποστολεῖς)[264]. On the other hand, whichever Trierarch first brought his ship off the stocks, or distinguished himself in any other way, received as a reward the crown of the Trierarchy; on which account a considerable degree of competition existed between the different individuals. The Trierarch was also exempted by law from all other Liturgies[265], the advance of the property-taxes included. The duration of the Trierarchy was limited by law to one year, after which the successor elect (διάδοχος) entered upon the office. The latter was obliged to join the ship, in case it was absent, and to take charge of it and the duties of his predecessor, under a severe penalty in case of non-compliance. If any one had continued his Trierarchy beyond the legal period, he could charge the expences of the Trierarchy, which he was not any longer bound to pay (τοῦ ἐπιτριηραρχήματος), to his

[263] Demosth. de Corona p. 262. 15. and there Ulpian. Concerning the place see Lysias in Agorat. p. 460.

[264] Demosth. ubi sup. and there Taylor, also Demosth. de Coron. Trierarch. p. 1229. 6. where the orator mentions a decree by which it was ordained that those persons should be imprisoned who did not bring their vessel to the pier (χῶμα) before the last day of the month.

[265] Book III. 21.

successor[266]. The Trierarchy was legally dissolved, if the general gave out no pay to the sailors, and also if the ship had run into the Piræeus, as then it was not possible to keep the crew together any longer[267]. As moreover no person was bound to serve a Liturgy for more than two consecutive years[268] (at least in the later times of Isæus)[269], the citizens could only be compelled to serve the Trierarchy after an interval of two years, although many made no use of this immunity. Exemption from the Trierarchy was prohibited by an ancient law, which was still in force in Olymp. 106. 2., when Demosthenes spoke against Leptines; nor was it even allowed to the successors of Harmodius and Aristogeton; it was however granted to the nine Archons, as being the highest public officers[270]; whence it is easy to see that nothing but necessity induced them to except those whose property was below the amount required for the Trierarchy. Demosthenes also evidently leaves out of his consideration those exemptions which were not personal, but founded upon causes sanctioned by law; the abolition of which appears not to have even come within

[266] Demosth. in Polycl. To this the article in Lex. Sex. refers (*δικ. ὀνόμ.* p. 193. 30.) *τριηραίρχημα*: *ὅταν ὁ τριήραρχος περισσὸν δίδωσι τοῖς ναύταις*; an extremely incorrect explanation, but not too incorrect for the compiler of this Lexicon. The proper name is moreover *ἐπιτριηραίρχημα*, and not *τριηραίρχημα*. Photius in v. *τριηραίρχημα* gives a somewhat better interpretation.

[267] Demosth. ibid. p. 1209. Cf. Isocrat. in Callim. 23.

[268] *ἑνιαυτὸν διαλιπών*, says Demosthenes against Leptines. See book III. 21.

[269] Isæus de Apollod. Hered. p. 184. *δύο ἔτη καταλιπών*. See also book III. 22.

[270] Demosth. in Lept. §. 15. (p. 462. 15.) §. 22. (p. 464. 29.) §. 23. (p. 465. 18.)

the scheme of Leptines, since the orator would not have failed to touch upon this point. Demosthenes, in the speech concerning the Symmoriæ[271], which was delivered in Olymp. 106. 3., mentions the circumstances under which a citizen was exempted from the Trierarchy. These were if a person was *incapable* (ἀδύνατος), by which we certainly must not understand bodily incapacity (which could only have exempted from personal services, and not from contributions to the Symmoriæ), but insufficiency of property, since a man of sufficient property for the Trierarchy might by misfortune be reduced in his circumstances; also the property of heiresses (ἐπίκληροι), of wards (ὀρφανικά), of Cleruchi (κληρουχικά), and of corporations (κοινωνικά); for which exemptions he deducts altogether 800 persons from the 2000 whom he proposes to bring into the Symmoriæ of the Trierarchy. It is natural to suppose that the property of heiresses could only be exempted so long as it was solely in possession of a female; if the heiress was married, the husband bore the burthens and obligations belonging to it, as in the case of the dowry. Wards were free from all Liturgies during their minority and one year over[272]; hence Demosthenes, for the ten years that he was under the hands of guardians, paid property-taxes, but no Liturgies; nor did he perform any Trierarchy, although his family was capable of supporting the ex-

[271] P. 182. 14. That the following words are neuter is shewn by the expression ὀρφανικῶν, which, if the masculine gender were meant, would be ὀρφανῶν. Pollux understood this point correctly, as well as Harpocration in v. κληροῦχοι; but the same grammarian in v. κοινωνικῶν inaccurately considers this word as masculine. Cf. Poll. VIII. 134, 136. Photius in κληροῦχοι and κοινωνικὸν has only transcribed Harpocration.

[272] Lysias in Diogit. p. 908.

pences of that service[273], and he himself became a Trierarch after the expiration of his minority. By the property of Cleruchi, Harpocration rightly understands the property of those who were sent out by the State as Cleruchi, or colonists, and while they were absent upon the public service could not perform the Trierarchy. I should however conjecture that the exemption was limited to the property which they had taken with them. What kind of property is meant by the property of corporations admits of some doubt. Pollux[274] states that it was a legal term, and classes it with other words which signify a property in common, and not of individuals; by which explanation little is gained. The most probable conjecture is that in Harpocration, viz. that the property of brothers, which had not yet been divided among them, is meant, from which the father might be able to perform the Liturgy, although the sons were not sufficiently rich separately to bear the expences of the Trierarchy[275]. Perhaps, he adds, it may refer to persons who had entered into a voluntary association for trade or for any other object, each member of which was possessed of less than the whole valuation of the property of the company. Is it however conceivable that persons in this situation could have ever obtained an exemption by such means; since, had it been the case, every person would have so disposed of his property, or have vested it in similar associations, in

[273] Demosth. in Aphob. p. 833. 26. Cf. Lucian. Demosth. Eulog. 11.

[274] VIII. 134. where it is joined with ἀνέμητα χρήματα, καὶ κοινὰ, ἐπίκοινα, οὐ διηρημένα.

[275] Cf. Orat. in Euerg. et Mnesibul. p. 1149. 20. ἠρόμην αὐτὸν, πότερα μεμερισμένος εἴη πρὸς τὸν ἀδελφὸν, ἢ κοινὴ οὐσία εἴη αὐτοῖς, and immediately afterwards, ὅτι νενεμημένος εἴη.

order to exempt himself from the Liturgies? Lastly, it hardly deserves to be observed, that mines, since they could not be exchanged, did not impose upon their possessors the duty of serving the Trierarchy.

A peculiarity with respect to the Trierarchy, which must not be passed over, is the liability of the Trierarchs to render an account of their expences[276], which naturally excites our astonishment, when we find it remarked in Æschines that the Trierarch applied his own property to the service of the community in a manner unknown to the public; yet our surprise is diminished, and we perceive that the provisions of the law were both wise and necessary, as soon as we consider how manifold were the relations in which the Trierarch stood to the State with regard to money and money's worth. The ship he always received from the State, and at times ready equipped; and are we to suppose that he was not required to account for this public property? He also received money out of the public treasury, whether it was for the payment of the sailors and soldiers, or other expences. Thus we find in Demosthenes thirty minas paid to each Trierarch, and an equal sum is stated in an inscription, the date of which is Olymp. 92. 3., to have been given to a Trierarch[277]. Thus even in the age of Themistocles the receipts from the mines were distributed among a number of rich men, at the rate of a talent apiece, in order to build and equip vessels for the use of the State. The Trierarch supplied pay and provision-money to the whole

[276] Æschin. in Ctesiph. p. 407 sq. Demosth. in Polycl. p. 1222. 11.

[277] Demosth. de Trierarch. Coron. p. 1231. 13. Inscript. 147. Pryt. 9. T. I. p. 219. ed. Boeckh.

crew, which the general was bound to provide him with [278], or he furnished the necessary stores[279], which were paid for at the public cost. Those also who were appointed to manage the accounts were called Treasurers of the Trierarchs[280], although we are ignorant whether all vessels, or only the sacred triremes, had officers of this description; nor can it be inferred from the statement of Demosthenes' client in the oration against Polycles[281], who himself kept the accounts of his expences in the Trierarchy, that he had no treasurer. In the case of the Trierarchs of the sacred triremes, it was still more natural that they should be responsible for their expences, as the State was there the party that performed the Liturgy[282]. The fund belonging to these triremes, which was under the management of the treasurer, and from which all the expences were defrayed, was a public fund. Trierarchs of this description[283] were only the representatives of the State in the character of commanders and officers, and how large the sums were which they received, we see from the example of the Trierarchs of the trireme Salaminia, and

[278] Demosth. in Polycl. p. 1209. 10.

[279] Plutarch. de Gloria Athenarum 6.

[280] Eupolis ap. Harpocrat. in v. ταμίαι, and the grammarians who transcribe him. Compare too particularly book II. 6. note 94.

[281] Demosth. in Polycl. p. 1216. 15.

[282] Ulpian. ad Demosth. in Mid. p. 636. ed. Wolf.

[283] In order that there may be no doubt as to the fact of the sacred triremes having Trierarchs, I may mention the Trierarchs of the Salaminia ap. Plutarch. Themist. 7. of the Paralos ap. Is. de Dicæog. Hered. p. 90. and of the Delian Theoris in Inscript. 158. T. I. p. 252. ed. Boeckh. No ships of war could be without a Trierarch, for he not only provided for the expences, but also commanded the vessel.

of the Delian Theoris, which latter, for the voyage to Delos alone, received 7000 drachmas from the funds of the temple in that island. Supposing however that the Trierarch paid every thing at his own expence (although he was by no means bound to do so, and it was an event of rare occurrence), even then it was necessary that he should inform the State of his course of proceeding, and deliver in an account, which would merely have stated that no public money had been advanced to him, and would have given him an opportunity of defending himself, if any one called his statement in question. And, lastly, it was probably necessary for the Trierarch to shew that he had performed the required services correctly.

(12.) The Trierarchy is as ancient as the regular constitution of Athens, since it is mentioned in the time of Hippias[284], and it probably belonged originally to the forty-eight Naucrarias of Solon and the fifty Naucrarias of Cleisthenes, according to some fixed regulation, since each Naucraria was obliged to equip a ship[285]; so that the

[284] Pseud-Aristot. Œcon. 2. 4.

[285] See book II. 21. Ναύκραροι are properly ship-proprietors (ναύκληροι) or their deputies; the following however appears to have been the method by which it happened that this name was given to the managers of the political associations, which were afterwards replaced by the boroughs. The Athenian citizens were first distributed into forty-eight; and afterwards into fifty corporations, and to each of these a ship was allotted, which they were bound to man. They then selected some one member of the corporate body, who either alone, or with the support of the rest, had in his turn the duty of equipping the ship, and thus was for the time being possessor of the ship (ναύκληρος, ναύκραρος), and the company allotted to him was the Naucaria or Naucraria (Naucleria) of which he naturally was the principal person. Photius properly compares the Naucrarias with the Symmoriæ.

Trierarchy of each tribe would have been of five vessels. When however the naval force was gradually increased to 200 vessels, which was the number at sea at the time of the battle of Salamis, the Trierarchs also became more numerous: for a long time however each ship had only one Trierarch; subsequently it was allowed that two persons should fill this office together (συντριήραρχοι, συντριηραρχοῦντες), in order to divide the expences, and either one of them commanded on board the vessel for different portions of the year, as they agreed with one another[286]. When this was first permitted we are not informed; since however in Olymp. 92. 1. after the defeat in Sicily, the union of two persons for the Choregia was allowed[287], the same may have been permitted at the same period for the more expensive Trierarchy. The most ancient account of a Trierarchy held in common by two persons, or a Syntrierarchy, is later than Olymp. 92. 3., since Lysias speaks of the Syntrierarchy which the guardian accounted for to the brothers of the Diogeiton, who perished at Ephesus under Thrasyllus in Olymp. 92. 3.[288]: the next, which is in Isocrates[289], belongs to the year of the battle of Ægospotamos (Olymp. 93. 3.); and the same form of the Trierarchy is alluded to in a passage in Xenophon[290], which refers to some time anterior to Olymp. 95. 1.

[286] Demosth. in Polycl. p. 1219. sup. p. 1229. extr.

[287] Book III. 21. Manso (Sparta vol. II. p. 501.) also supposes that there were four Trierarchs to one ship, by erroneously combining different accounts which have no connection with each other.

[288] Lys. in Diogit. pp. 907—909. The date may be seen from pp. 894—897. compared with Xenoph. Hell. I. 2.

[289] Isocrat. in Callimach. 23.

[290] See chap. 15. at the end.

This usage continued for a very long period: for when Demosthenes instituted the suit against Aphobus (Olymp. 104. 1.), we still meet with the Syntrierarchy[291]; also in Olymp. 104. 4.[292], and even so late as in Olymp. 105. 3. The latter year is that of the Eubœan war, in which the Athenians supported a party against the other States, and against Thebes[293]; and there were then at Athens for the first time voluntary Trierarchs, the terms of service for those appointed by law having expired[294]. Demosthenes, who was one of them, had a Syntrierarch by name Philinus[295]; and although this was a voluntary service, yet there can be no doubt that it followed upon the whole the regulations which were then in existence for the regular Trierarchy. Also in the oration against Euergus and

[291] Demosth. in Mid. p. 564. 20. cf. in Aphob. II. p. 840. 26 sqq. in Mid. p. 539. extr.

[292] Demosth. in Polycl. p. 1218. 14. cf. p. 1219. sup. and l. 18. also p. 1227.

[293] Diod. XVI. 7. The following passages in Demosthenes also refer to this fact, in Androt. p. 597. 18. pro Megalop. p. 205. 25. de Cherson. p. 108. 12. in Mid. p. 570. 23. ὅτι τὴν ἐπὶ Θηβαίους ἔξοδον εἰς Εὔβοιαν ἐποιοῦσθε ὑμεῖς, where Ulpian correctly notes, ἐγένετο γὰρ καὶ διὰ τὸν Πλούταρχον ἐτέρα: for the expedition made for the sake of Plutarch is not alluded to, concerning which see chap. 13. but that which took place in Olymp. 105. 3. For in the expedition of Olymp. 106. 4. Meidias was Trierarch of his vessel at his own expence, but in the earlier expedition was treasurer of the Paralos. Spalding (ad Mid. p. 131.) corrects the passage of Ulpian without any reason; for the only way in which he can be understood is, that he supposed that more than one campaign was undertaken for the sake of Plutarch; he does not however appear to have had any clear notion of the question.

[294] Demosth. de Corona p. 259. 12. in Mid. p. 566. 23.

[295] Demosth. in Mid. p. 566. 24.

Mnesibulus[296], mention is made in connexion with an event of Olymp. 105. 4. of two Syntrierarchs by name Theophemus and Democharcs, who were indebted to the State for ship's furniture belonging to a prior Trierarchy, and thus this Syntrierarchy could only have been performed a short time before, for instance, in the second, or more probably in the third, year of the 105th Olympiad; nor, lastly, can it appear strange that even after the introduction of the Symmoriæ two Syntrierarchs should have been employed for the immediate direction of the Trierarchy. It is however scarcely worthy of remark, that the Syntrierarchy of two persons was at most only a means of relief, in case there did not happen to be a sufficient number of wealthy citizens who could singly bear the expence of a Trierarchy, and numerous examples occur between Olymp 92. 1. and 105. 3. of Trierarchies performed by one individual, of which I will only mention the Trierarchy of Apollodorus in Olymp. 104. 3.[297]; and in two passages of Isæus, which refer to this period, the Trierarchy of individuals and the Syntrierarchy are mentioned as cotemporaneous[298]. It is at this time therefore

[296] P. 1145. 22 sqq. where πολὺν χρόνον (p. 1146. 20.) must only be taken relatively, for it can not mean any long period of time.

[297] Demosth. in Polyclem.

[298] De Dicæog. Hered. p. 110. ἀλλὰ μὴν τριηράρχων τοσούτων κατασταθέντων οὔτ' αὐτὸς ἐτριηράρχησεν οὔθ' ἕτέρῳ συμβέβληκεν ἐν τοῖς τοιούτοις καιροῖς (after the Anarchy). Συμβάλλειν is said of the Syntrierarchy, cf. συμβαλέσθαι ap. Lys. in Diogit. pp. 908, 909. Also Isæus de Apollod. Hered. p. 184. ὁ μὲν γὰρ πατὴρ αὐτοῦ—τριηραρχῶν τὸν πάντα χρόνον διετέλεσεν, οὐκ ἐκ συμμορίας τὴν ναῦν ποιησάμενος ὥσπερ οἱ νῦν (after Olymp. 105. 4.) ἀλλ' ἐκ τῶν αὐτοῦ δαπανῶν, οὐδὲ δεύτερος αὐτὸς ὢν ἀλλὰ κατὰ μόνας.

not difficult to conceive that about 400 Trierarchs may have been employed every year, which is the number stated by Xenophon (or whoever is the author of the Treatise on the State of Athens) as being annually appointed.

Concerning the services to which the Trierarch was liable previously to Olymp. 105. 3. there cannot exist the slightest doubt. The State always supplied the vessel. When Themistocles built ships for the Æginetan war out of the funds accruing from the mines, the building and the entire equipment of them was delivered in charge to 100 wealthy individuals, who were the Trierarchs appointed for that service; but they were indemnified for the building, since, according to Polyænus, they each received a talent. This law of Themistocles enacted that twenty new ships should be built every year, and the shipbuilding was continued on the part of the State, as far as we can ascertain, during the independence of Athens[299]. All the ships in the public docks belonged to the State: private individuals of great wealth had indeed triremes of their own, for example, Cleinias, who fought in his own vessel at Artemisium; but since it is particularly remarked[300] that he went out with a trireme of his own, it may be inferred that the State was bound by law to provide it. Those which were in the possession of private individuals, they either built voluntarily for the public service, or for their own use in privateering or similar objects, or else for sale. The same was the case in the Peloponnesian war. The 100 triremes which, according to a decree of the people, were to be kept in readiness

[299] Concerning the building of the ships see book II. 19.

[300] Herod. VIII. 17. Plutarch. Alcibiad. I.

from Olymp. 87. 2. in case Attica was threatened by sea, were evidently ships provided by the State, and Trierarchs were appointed for those in readiness[301]. In the Knights of Aristophanes[302] (Olymp. 88. 4.) Cleon threatens to make his adversary a Trierarch, and to contrive that he should receive an old ship with a rotten mast, upon which he would be forced to spend much money for the necessary repairs; it is therefore certain that the hull and mast were at that time furnished by the State. In the expedition against Sicily in Olymp. 91. 2. the State provided nothing but the pay of the crew, and the body of the vessel; the Trierarchs supplied the entire equipment of the ship, and also gave voluntary contributions[303]; and when a Trierarch boasts of having, after the battle of Ægospotamos (Olymp. 93. 3.)[304], saved his ship, it is clear that the vessel must have been public property, or he would have gained no credit by saving it. The same person also states that he and his brother had voluntarily contributed the pay and provision of the crew. We may conclude then that at this time the State furnished both the pay and provision, as well as the hull of the ship together with the mast; the Trierarch however had to equip the vessel, and was also bound, as the threat of Cleon shews, to keep it in repair. We may likewise assume that the same regulations were in force until Olymp. 105. 3. although the inaccurate expressions of the ancients, who always presuppose more in their readers than they have the means of knowing, have deceived all modern writers from the

[301] This is the only manner in which Thucyd. II. 24. can be understood.

[302] Vs. 908 sqq.

[303] Thucyd. VI. 31.

[304] Isocrat. in Callimach. 23.

ignorant Ulpian down to the acute editor of the Oration against Leptines. Demosthenes in his speech against Meidias[305] says, that when he was Trierarch in Olymp. 104. 1. the Trierarchs provided every thing at their own expence, and had to furnish the crews (πληρώματα); and if we are to give credit to the remarks of Ulpian upon this passage[306], the State must frequently have supplied both the ship and the seamen; and in fact in many instances have provided nothing, but left it to the Trierarch to supply the ship together with the pay and provision of the crew. The real state of the case, however, is as follows. Ulpian, as usual, is of no authority, but by a singular process of logic draws all these conclusions from the words of Demosthenes. This orator however, in speaking of the whole expenditure, refers to the later form of the Trierarchy in Symmoriæ; when these were instituted, the State equipped the vessel and provided the crew, in addition to which the Trierarch who commanded the ship received pecuniary assistance from the Symmoria; it follows therefore that the whole expence did not fall upon him. Again, when the orator speaks of the whole expenditure, it is evident that he can only mean the entire amount of expenditure which was customary at that time; the State however always provided the pay and provision together with the hull of the ship, as well before the Trierarchy of Demosthenes, as in the time of the Symmoriæ. Thus no one of the hearers of Demosthenes could have thought that these expences were alluded to. In short when Demosthenes speaks of the whole expenditure, he means nothing more than the equipment of the vessel,

[305] P. 564. 22.
[306] P. 680. A.

and the keeping it in repair, as well as procuring the crew, which last was frequently attended with much expence, as the Trierarch, not being allowed to employ foreign sailors, was obliged to select the crew from the native population, which produced considerable trouble and vexation, and subjected the Trierarch to the necessity of giving bounties to induce persons to serve. Even in Olymp. 104. $\frac{3}{4}$. the State was bound by law to equip the ship. That this then must have been the meaning of the orator is partly evident from the expences of his Trierarchy, and partly from the speech against Polycles. When Demosthenes had attained his majority, and begun to prosecute his guardians, Thrasylochus, the brother of Meidias, wished to compel him either to the exchange of property, or else to take the Trierarchy. Demosthenes was willing to adopt the former course, reserving, at the same time, his claims upon his guardians; it being however necessary to confirm this stipulation by a judicial decision which could not be obtained in a short time, he willingly undertook the Trierarchy, which was let to a contractor for twenty minas [307]: it was, however, a Syntrierarchy [308], so

[307] Demosth. in Mid. p. 539 sq. In Aphob. II. p. 840 sq. This Thrasylochus was himself Trierarch three years later, Olymp. 104. 4. Orat. in Polycl. p. 1222.

[308] Demosth. in Mid. p. 564. 20. κἀγὼ μὲν κατ' ἐκείνους τοὺς χρόνους ἐτριηράρχουν, εὐθὺς ἐκ παίδων ἐξελθών, ὅτε σύνδυο ἦμεν οἱ τριήραρχοι &c. From this passage too Ulpian has deduced some ingenious conclusions; thus (p. 660. E—G.) he supposes that there existed a Syntelia of three members, each of whom contributed twenty minas, in order that he might make the sum a talent, since it is stated in one other place, that a person had let his Trierarchy to a contractor for a talent. As if this had been a fixed price, and Demosthenes did not distinctly say that there

that the whole Trierarchy only cost forty minas. Can it, however, be conceived that this was the whole expence of a Trierarchy, if the ship, pay, and provision were supplied by the Trierarch, the cost of pay and provision for one month alone being as much as forty minas? Moreover the speech against Polycles, which belongs to Olymp. 104. $\frac{3}{4}$. contains the best information concerning the services which were required by law at that time. There is not however the slightest mention of any obligation to supply the vessel, but the Trierarchs were only bound to launch it (καθέλκειν) [309]. The crew was appointed out of the borough, but since a few only were obtained, and those inefficient, Apollodorus was glad to hire some sailors of his own [310]: he also voluntarily paid them their wages, the generals having only given him provision-money, and two months' pay out of seventeen [311]: he also subjected himself to many other voluntary expences, such as having fresh seamen in different places [312]: he also equipped the vessel himself [313]; nor was he single in this respect, for others had likewise supplied the ship's furniture [314], and let it to

were only two Trierarchs! Spalding also ad Mid. p. 43. has been led into error. It may be observed that the words in the speech against Meidias p. 540. 18. ὅσοι τὴν τριηραρχίαν ἦσαν μεμισθωκότες, refer to both Thrasylochus and Meidias, the latter of whom was only connected with it as assistant to his brother, and had no share or partnership in the Trierarchy. Meidias was not Trierarch before the introduction of these companies, as we learn from Demosthenes p. 564.

[309] P. 1207. 13.

[310] P. 1208.

[311] P. 1209.

[312] P. 1210 sqq.

[313] P. 1208. 17. p. 1217. 15.

[314] P. 1219. extr.

their successors: other Trierarchs however at this period received their vessels ready equipped from the State; and in the oration concerning the Crown of the Trierarchy[315], which refers to the same form of this service, it is distinctly stated that the State equipped the ship, which is also evident from the fact that in Olymp. 105. 4. ships' furniture which had not been formerly paid for, was claimed from the Trierarchs[316]. Apollodorus having supplied the furniture of his own ship, had it in his power to demand of his successor to bring new with him, or to purchase the old from himself[317]: with regard to the ship itself there is no where any trace either of selling or letting, but Apollodorus only requires of his successor to receive it from him according to law, in order that he might be at length relieved from his Trierarchy, which he had already performed beyond the legal time. It is therefore hardly worth repeating that at that time nothing but the repairing and maintenance of the ship and ship's furniture was required of the Trierarchs by law, all other expences being merely voluntary; although these were by no means trifling, as the State frequently furnished damaged ships, and on voyages, and particularly in battles, great losses were experienced. This Apollodorus, the son of Pasion, is a remarkable instance how harshly a man could be treated, if he was rich and ambitious, and moreover, like him, a new citizen: for his statements bear the stamp of truth in a greater degree than the assertion of Phormion, that Apollodorus in the offices of Trierarch and Choregus had not even expended as much from his

[315] P. 1229. 15.

[316] Orat. in Euerg. et Mnesib. p. 1146.

[317] In Polycl. p. 1215.

own property as was required of himself with an income of twenty minas[318]. Such extreme contradictions are to be found in the same orator, provided that both speeches are of his composition. Others again performed their duties at less expence, and only supplied what was absolutely necessary: and even before the institution of the Symmoriæ, the Trierarchs began to let their Trierarchy for a certain sum to a contractor, of which Thrasylochus is the most ancient among the known examples, in Olymp. 104. 1. Another instance occurs in Olymp. 104. 4. of the same person again[319], and about what amount was given at that time we have already seen. It is evident that they transferred their Trierarchy to whoever required the lowest sum[320], a custom detrimental to the State, not only on account of the insufficient performance of the duties, but also because the contractors by their privateering practices gave occasion to reprisals against the State[321]. Upon occasions of defeat, the guilt therefore justly fell upon those who had let their Trierarchy, the letting being considered as a desertion of their post (λειποτάξιον)[322], as the Trierarch was bound to be on board his ship and to command in person.

Before we proceed farther it may be worth mentioning, that even after Olymp. 105. 3. the hull of the ship was not supplied by the Trierarchs or the Symmoriæ, but that the ships of war were in general the property of the public, as Xenophon expressly says in his Treatise upon

[318] Demosth. pro Phorm. p. 956 sq.
[319] Demosth. in Polycl. p. 1222. 26.
[320] Demosth. de Trierarch. Corona p. 1230. 5.
[321] Ibid. p. 1231 sq.
[322] Ibid. p. 1230.

the Revenues[323]; although I do not mean to deny that individual citizens presented their triremes as a free gift to the State. For since at these later times the Trierarchy was often not announced and the Trierarchs not appointed till the campaign was already at hand[324], it was not possible that the Trierarch should build a new ship; if however it was expected from him to buy one, a delay of this kind would have been most unwise, as the possessors, in order to vex or defraud him, would have been able (unless the rate was limited by the State) to demand an exorbitant price; not to mention that of a sale of this description, which must have occurred almost every year, there is not the slightest trace in any ancient author. Or are we to suppose that the person who had built a new ship, delivered it to his successor gratis? It is impossible to imagine that such an inequality as this existed in the distribution of the burthens of the Trierarchy. To what purpose moreover had the Senate of Five-hundred, together with the trireme-builders, the duty of inspecting the ship-building[325]? To what purpose did the latter receive their funds from the State, if the Trierarchs supplied their own ships? To what purpose was it that about Olymp. 106. 2. new triremes were built at the expence of the State (as we see from the speech of Demosthenes against Androtion), and that it was even enacted that the senate should not receive its crown, if the ships were not ready? Do we not know that Eubulus superintended the ship-building in the

[323] Chap. 3. δημόσιαι τριήρεις.

[324] Demosth. Philipp. I. p. 50. 19.

[325] See book II. 19. comp. also II. 6. That the building was paid for by the public is particularly shewn by Demosth. in Androt. p. 599. 13.

capacity of an officer of State[326]? and that Lycurgus provided 400 triremes, partly by repairing old, and partly by providing new[327]? Still farther; in the proposal of Demosthenes respecting the Symmoriæ, the ships are supposed to be already prepared, and together with the furniture were to be assigned to the Symmoriæ by lot[328]. This proposal, however, only had in view a better regulation for the vessels actually in the possession of the State. There are only two passages which could seem to favour the supposition that the State supplied the hull of the ship. The first is where Ulpian asserts[329] that the Trierarch had at times only supplied the ship; which however is a false inference of the commentator from the oration against Meidias, in which it is stated that at the institution of the Symmoriæ, the State furnished the crew and equipment[330]; and from this he infers, and with him the modern writers on this subject, that the Trierarchs supplied the ship. But as to this what I have already remarked upon the subject again applies, I do not consider it necessary to bestow on it a particular examination. The expression used by Isæus[331] relating to an Athenian might appear more doubtful, "who did not make the ship (τὴν ναῦν ποιησάμενος) by the assistance of a Symmoria like the Trierarchs of the present day, but at his own expence;" so that as well before as after the institution of

[326] Book II. 7.

[327] III. 19.

[328] Demosth. p. 183. sup. εἶτα συγκληρῶσαι συμμορίαν σωμάτων ἑκάστην τὴν πεντεκαιδεκαναΐαν. l. 24. τὰς τριήρεις, ἃς ἂν ἕκαστοι λάχωσι, παρεσκευασμένας παρέχειν.

[329] Ad Mid. p. 682. A.

[330] Demosth. p. 564. extr. and p. 565 sup.

[331] De Apollod. Hered. p. 184.

the Symmoriæ the Trierarchs furnished the vessel. In this place however the expression "to make a ship" must have another meaning, because, as has been already shewn, it is impossible to suppose that the Trierarchs supplied the hull of the ship before the establishment of the Symmoriæ. *To make a ship* may indeed signify *to build a new ship*[332]; it does not however necessarily bear that meaning, but the expression is general, and the extent of its signification, must be determined by the circumstances in relation to which it is used. Now the Trierarch never received a ship actually ready for sailing: he was given the hull, and he then built upon it, repaired what was damaged, supplied the furniture and decorations[333], and put the whole in perfect condition. This labour is so considerable that I know no reason why it may not be signified by the words "*to make a ship*," or "*to build a ship*[334]:" for by these means the vessel is placed in a fit condition to sail. Without then being hindered by this passage (which

[332] So in the speech against Androtion, where τριήρεις ποιεῖσθαι is the same as καινὰς τριήρεις ποιεῖσθαι, as there the orator is speaking of new triremes, and elsewhere.

[333] Cf. Thucyd. VI. 31.

[334] It might with equal justice be called ναυπηγήσασθαι, meaning a thorough repair and refitting, and yet this expression is also applied to new ships. Merely repairing is ἐπισκευάζειν, e. g. in the decree in the Lives of the Ten Orators, p. 278. and Xenoph. Rep. Ath. 3. εἴ τις τὴν ναῦν μὴ ἐπισκευάζει, which is also to be understood of Trierarchs, i. e. these words relate to the duties of the Trierarchs already appointed, and afterwards mention made of the appointment of new Trierarchs, and of their lawsuits. Τὴν ναῦν with the article signifies a well known and determinate service, with regard to a fixed vessel, which is assigned to an individual, and shews that it relates to the Trierarchs.

on account of the indefinite nature of the expression, cannot be considered as sufficient proof against us), we assert that the State always furnished the pay and provision, in addition to the empty vessel, and that all the alterations in the services of the Trierarchy, merely refer to the equipment of the vessel, and to the method of levying the crews.

(13.) From the account of Ulpian[335], who states that besides the two Trierarchs, sometimes three or even sixteen persons combined to defray the expences, it has been incorrectly supposed that this must have been a separate kind of Trierarchy, whereas Ulpian's words only mean that in the Symmoriæ of the 1200 sometimes three, sometimes sixteen, or any other number of persons, managed the Trierarchy of a ship[336]; it would be far more consistent with his statement to refer these unions to the Symmoriæ (which indeed can hardly be avoided), as the Symmoriæ were instituted immediately after the double Syntrierarchy, as will be presently shewn, and indeed at the first establishment of the Symmoriæ we find that two persons held the Trierarchy together, according to the ancient method, a fact which we learn from the oration against Euergus and Mnesibulus[337]. In the mean time there is no proof that three more than that ten

[335] In Mid. p. 681. G. p. 682. B. The emendation of Petit καὶ ὅτε δὲ ἑκκαίδεκα τριήραρχοι for δὲ καὶ δέκα rejected by Wolf p. CIII. is evidently correct.

[336] P. 682. B. χίλιοι γὰρ καὶ διακόσιοι ἦσαν οἱ ταῖς τριηραρχίαις ἀφωρισμένοι. τούτων δὲ λοιπὸν ἢ συνεκκαίδεκα τὴν τριήρη ἐπλήρουν ἢ σύντρεις, ἢ ὁσοιδήποτε. The remainder of his account is mixed with absurdities.

[337] P. 1162. extr. cf. pp. 1148—1158. in reference to the connexion of the fact and the time.

persons ever performed the Trierarch together: and it is evident, that Ulpian has merely fixed upon the latter number, in order to explain how it was possible that Demosthenes should only have paid twenty minas for a Trierarchy, as he himself considered it as certain that the lease of a Trierarchy always cost a talent, notwithstanding that in the first place there could not have been any fixed price, as it must have varied according to the circumstances and expectations of the contractor; and, secondly, Demosthenes unquestionably performed the Trierarchy with one person only, and not with two[338], and moreover long before the introduction of the Symmoriæ, viz. in Olymp. 104. 1. The introduction of the Symmoriæ is immediately connected with the form of the Trierarchy which has been already treated of, according to which this Liturgy was borne either by one alone or by two Syntrierarchs. For in Olymp. 105. 3. it being found impossible to procure any or a sufficient quantity of Trierarchs according to the legal forms, it was considered necessary to summon voluntary Trierarchs. As these however could only suffice for the current year, it was necessary to consider of some new regulation for the ensuing year, and as it was impossible to provide for the public service according to the actual system, they agreed to appoint 1200 partners (συντελεῖς) distributed into Symmoriæ, who were to perform the duties of the Trierarchy. In the case to which the oration against Euergus and Mnesibulus refers, the Trierarchs had been already regulated according to the Symmoriæ; the Trierarchy however of the person for whom this speech was written, which was performed after the establishment of the Symmoriæ, took place in the

[338] See chap. 12. and particularly note 308.

Archonship of Agathocles, Olymp. 105. 3.[339]. Yet even at that time two persons were sometimes appointed Trierarchs out of the Symmoriæ in order to perform their duties in person. In earlier times no trace of Symmoriæ exists, but of the Syntrierarchy alone. It is therefore highly probable that this year was the first in which the Symmoriæ came into operation. In the oration of Isæus concerning the inheritance of Apollodorus[340], the date of

[339] Demosth. in Euerg. et Mnesib. p. 1152. 18. cf. Petit. Leg. Att. III. 4. 10. Concerning the Syntrierarchs see p. 1162. extr. The expences which were then entailed upon the person for whom this speech is written, by his Syntrierarchy, were so great that he consumed the money appointed for the fine to be paid to his adversary, amounting to thirteen minas and over, p. 1154. I must in this place explain away a passage from which it might appear that Symmoriæ were in existence before Olymp. 105. 4. It is the passage quoted above on the subject of the Trierarchy in the oration against Euergus and Mnesib. p. 1145. 21. Δημοχάρης δὲ ὁ Παιανιεὺς ἐν τῇ συμμορίᾳ ὢν καὶ ὀφείλων τῇ πόλει σκεύη μετὰ Θεοφήμου τούτου, συντριήραρχος γενόμενος. It has been already remarked that the Syntrierarchy of these two persons must have taken place in Olymp. 105. 2. or 3. Now Democharès was a member of the Symmoriæ in Olymp. 105. 4. and he may thus appear to have served the former Syntrierarchy in the Symmoriæ, which, if it were true, would give an earlier date to the Symmoriæ. But what prevents us from supposing that Democharès was Syntrierarch before, and did not belong to the Symmoriæ until Olymp. 105. 4.? What renders this the more probable is, that he alone is stated to have been in the Symmoria, while Theophemus is not mentioned as a member of one, and if they had both been members of a Symmoria when they performed that Trierarchy, Theophemus must have been in the same Symmoria as Democharès; whereas the contrary must be inferred from the words of the orator.

[340] P. 184. comp. Wolf. p. CIX. who supposes the speech to

which might be placed farther back, but cannot be brought lower down, in the oration against Leptines[341], which was delivered in Olymp. 106. 2., in the oration upon the Symmoriæ which was spoken in Olymp. 106. 3. and in the oration against Meidias, which belongs to Olymp. 106. 4., this institution is recognized as existing. The law of Periander, by which, according to the account contained in the oration against Euergus and Mnesibulus[342], the Symmoriæ of the Trierarchy were introduced, was evidently, as may be seen from its agreement with what has been stated, the primary and original enactment upon this subject.

The 1200 partners (συντελεῖς)[343] were properly the most wealthy individuals according to the valuation, and below these, as was the case in the Symmoriæ of the property-taxes, there was a separate body of 300, which was still in existence when Demosthenes abolished the Symmoriæ[344]; the whole number was divided into twenty Symmoriæ or classes[345]: in these classes a number of members combined for the equipment of a ship, which union was called a Synteleia (συντέλεια)[346]. An union of this kind often

belong to the 105th Olympiad. If it was not delivered in Olymp. 105. 4. its date is Olymp. 106.

[341] §. 19. (p. 463. 24.)

[342] P. 1145.

[343] Demosth. in Mid. p. 564. extr. de Symmor. p. 182. 19. and the grammarians passim, Harpocration, Suidas, Photius, Lex. Seg. pp. 238, 300. also p. 192. 3. which latter article is however very incorrect.

[344] Dinarch. in Demosth. p. 33. comp. below chap. 14.

[345] Demosth. de Symmor. p. 182. 19.

[346] Concerning this word see Demosthenes against Meidias and Leptines as above, Harpocrat. and Etymol. in v. συντελεῖς.

consisted of five or six persons[347], so that a Symmoria could furnish ten or twelve ships; but there were fifteen persons to each ship, and therefore only four ships were provided by a Symmoria of sixty persons. A division of this kind, which, according to Hyperides[348], was itself called a Symmoria, was at certain times appointed by law: the most singular fact however is, that before Demosthenes introduced the new law of the Trierarchy according to the valuation, when the institution of the Symmoriæ was still in existence[349], according to the actual law sixteen persons were appointed out of the Syntelias for each ship, for twenty-five or thirty years[350], and these sixteen bore the

[347] Hyperides ap. Harpocrat. in v. *συμμορία*, corrupted by Petit III. 4. 7.

[348] Ibid.

[349] This is evident from the speech for the Crown, p. 329. 17. p. 260. 21.

[350] Law in Demosth. pro Corona p. 261. extr. *Κατάλογος. Τοὺς τριηράρχους καλεῖσθαι ἐπὶ τὴν τριήρη συνεκαίδεκα ἐκ τῶν ἐν τοῖς λόχοις συντελειῶν ἀπὸ εἴκοσι καὶ πέντε ἐτῶν εἰς τετταράκοντα, ἐπὶ ἴσον τῇ χορηγίᾳ χρώμενους.* Cf. p. 260. 27. p. 261. 3, 16. *Χορηγία* here means any public service in the general sense. But the difficulty in the expression *ἐν τοῖς λόχοις* cannot be solved, nor has F. A. Wolf p. CXII. been able to remove it. It is certain that *λόχος* may mean a civil as well as a military division, and if not from Xenophon (Hieron. 9. 5.), where it may be referred to a military division, it is evident from Aristotle (Polit. V. 8.): *τοῦ μὲν οὖν μὴ κλέπτεσθαι τὰ κοινὰ ἡ παράδοσις γιγνέσθω τῶν χρημάτων παρόντων πάντων τῶν πολιτῶν, καὶ ἀντίγραφα κατὰ φρατρίας καὶ λόχους καὶ φυλὰς τιθέσθωσαν.* The Lochitæ also occur in Eustathius in a passage where the context is of a similar nature. See the passage quoted by F. A. Wolf from Salmasius, Misc. Defens. p. Salmas. ad I. A. et R. p. 135. where however the information given is extremely confused and unsatisfactory. Hieronymus Wolf is of opinion that farther researches are necessary as to the meaning of the

burthen in equal shares. Since this number does not agree with the constitution of the twenty Symmoriæ of sixty persons each, we must either suppose an entire change in the internal arrangements of the 1200 partners, which is by no means probable; or an increase in their number to 1280; or, if neither of these conjectures appears probable, discover some other method of explanation. Might we not assume, since a part only of the law has come down to us, that there were other essential additions to it, which made the meaning clear? It is possible that the Syntelias did not consist only of fifteen persons, as they are stated by Hyperides (although he calls them Symmoriæ), and that to these fifteen another member was purposely added from a different Syntelia, in order to prevent any unjust proceeding among the other fifteen members, and to perform the duties of a comptroller over them. The superintendence of the whole business was performed by the most wealthy, upon whom the burthens of the Trierarchy chiefly fell, that is to say, the leaders of the Symmoriæ (ἡγεμόνες τῶν συμμοριῶν) [351], and the superintendents of the Symmoriæ (ἐπιμεληταὶ τῶν συμμοριῶν) [352]. In treating of the amount of the services required, we may

πολιτικοὶ and τριηραρχικοὶ λόχοι, and considers that Demosthenes uses this expression for the Symmoriæ, which is the only method of overcoming the difficulty. I may likewise mention, that at that time, as is seen from note 349, the Symmoriæ were actually in existence, and the only reason why in Demosth. adv. Bœot. de Nom. p. 997. 1. about Olymp. 107. 1. the Trierarch is opposed to the Symmoriæ, is that the Symmoriæ of the property-taxes were looked upon as the more ancient and important, although there were at that time Symmoriæ of the Trierarchy.

[351] Demosth. de Corona p. 329. 17. p. 260. 21.

[352] Orat. in Euerg. et Mnesib. p. 1145. 15. p. 1146. 10.

pass over the passages concerning the hull, and the pay and provision, which have been already examined; with regard however to the equipment and the levying of the crew we find the most satisfactory accounts. For even before the introduction of the Symmoriæ, the State provided the ship's furniture, although some Trierarchs supplied it at their own cost[353]; whence it happened that in Olymp. 105. 4. there was none in the storehouse, the old ships' furniture not having been paid for by the former Trierarchs; and even in the Piræeus there were neither sails nor tackling to be bought in sufficient quantities; therefore by a decree of Chæredemus the payment of the money due was required, and the names of the debtors were delivered in by the overseers of the docks to the leaders of the Symmoriæ, and to the Trierarchs whose ships were then about to sail[354]. By the law of Periander it had been decreed that the leaders of the Symmoriæ should receive the names of those who were indebted for the ships' furniture, and appoint certain persons to collect the money for the use of the Trierarchs. The names of the debtors were engraven upon tablets, and all disputes arising between the parties were brought before the court of justice by the officers whose duty it was to dismiss the fleet (ἀποστολεῖς) and by the overseers of the docks. Any person who had received ships' furniture was obliged to deliver it up according to the inventory (διάγραμμα τῶν σκευῶν) either at Athens, or to his successor who was sent from the Symmoria[355]. At this time any person's pro-

[353] Orat. in Euerg. et Mnesib. p. 1146.

[354] Τοῖς τριηράρχοις τοῖς ἐκπλέουσι τότε. Reiske's οὐκ ἐκπλέουσι is highly absurd.

[355] Concerning this expression see Lex. Seg. p. 236.

perty could be confiscated, if he did not surrender the ship's furniture, or transfer his own by sale to his successor, who probably had power to distrain the property of the former. From all these circumstances, which are stated in the oration against Euergus and Mnesibulus [356], it is evident that the vessels were equipped for the Symmoriæ by the State. In the same manner Demosthenes, in his speech concerning the Symmoriæ [357], proposes that the money still owing for ships' furniture should be collected according to the inventory belonging to the great Symmoriæ; that these classes should distribute the money thus received among their several divisions, which should then send out the ships ready equipped. We learn from the same orator, in the speech against Meidias [358], that the State furnished the crew and equipment of the vessel to the Syntelias. The Trierarch therefore had only to take care that the vessel, with all its appurtenances, was in proper repair and order as he received it. Yet the Trierarchs exempted themselves even from this duty; for the most wealthy, who were to perform the service for their Syntelia, let their Trierarchy to a contractor for a talent, and received the whole sum from their colleagues; so that many in reality paid nothing, and yet were exempted by the Trierarchy from all other Liturgies [359]. Why the leases should have been higher in more recent than in earlier times, when the services required of the Trierarchs had been increased, may appear singular; but of this more will be said presently.

[356] Pp. 1145—1152.
[357] P. 183. 17 sqq.
[358] P. 564. extr. p. 565. sup.
[359] Demosth. in Mid. ubi sup. cf. de Corona pp. 260—262.

The irregularities which soon prevailed in the Symmoriæ appear to have prevented them from attaining their end. On this account Demosthenes[360] in Olymp. 106. 3. made a proposal to improve the constitution of the Symmoriæ: the essential points of which plan are as follows. Instead of 1200 he proposed to take 2000 persons, in order that, subtracting all who had any possible ground of exemption, there would remain without fail 1200. These were, as before, to be distributed into twenty Symmoriæ of sixty members, and each again into five divisions of twelve persons, every person being succeeded by another less rich than himself; and upon the whole there were to be 100 small Symmoriæ[361]. The number of triremes was to be 300, in twenty divisions, each of fifteen ships; so that of each hundred either the first, the second, or the third (so called because they were to be successively summoned at different times), each great Symmoria was to receive five, each small Symmoria one ship. Upon the whole each great was to have fifteen and each small Symmoria three ships. Moreover the whole valuation of the country, amounting to 6000 talents, was, "in order that the money also should be well regulated," to be divided into 100 parts, each of sixty talents, of which five parts would come to each large, and one to each small Symmoria, in order that if 100 triremes were required, there should be sixty talents of the valuation to supply the expences, and that there should be twelve Trierarchs to a ship. If however there were 200 triremes, he proposed that there should be allotted to each vessel thirty talents and six Trierarchs; and if there were 300, that twenty talents should be given

[360] De Symmor. p. 182 sqq.

[361] Cf. Phot. in v. ναυκραρία.

to meet the expences, and that there should be four Trierarchs. Here is a difficulty with reference to the valuation, which has been passed over by most of the commentators, and which can only be explained in the following manner. Since 6000 talents were the valuation of the whole country and of all the citizens whose property was valued (and not only of the 1200, as Budæus assumes in his interpretation of this passage)[362], and as in the Symmoriæ of the Trierarchy there were in reality only 1200, the division of the valuation among the Symmoriæ cannot have been made for the expences of the Trierarchy, but only for that which the State supplied for the equipment of the fleet, and the maintenance and pay of the crew. The orator also, if the 6000 talents had been the taxable capital of the 1200, must necessarily have spoken of it more distinctly, when he mentions the manner in which they were distributed: he would doubtless have said, that they were to be so divided that each of the Symmoriæ was to receive an equal quantity of money; that is to say, each of the small Symmoriæ sixty talents; although the arrangement could not have been made precisely in this manner. Consequently the orator only sketches out a plan for the distribution of the property-taxes according to the valuation, parallel to the Symmoriæ of the Trierarchy, in order that out of the part of the valuation which belonged to each Symmoria of the Trierarchy all the expences should be defrayed which the Trierarchs did not undergo; a proposal by which the system of naval affairs was first firmly organized, since there was so frequently a deficiency of pay and provision,

[362] De asse et partibus ejus, V. p. 534 sqq. Comp. above chap. 9.

and of the other articles which were furnished by the State. Moreover the public equipment was to be furnished to the Symmoriæ, according to the same proportion, at the public cost. The generals were also to divide the docks into ten parts, in order that ships' stations to the number of thirty should be situated near to one another; that each part should be assigned to a tribe or two Symmoriæ of sixty members, with thirty ships, and a Trierarch be appointed to each ship. The place which each tribe received by lot was to be further divided in the same manner among its third part (τριττύς), so that each should receive ten ships. The levying of the crews was to be effected in the same manner. Whether these good counsels were ever put into execution we are not informed, but we know that this Liturgy continued to decline until Demosthenes passed the law concerning the Trierarchy according to the valuation, as he saw that naval affairs, particularly with regard to the companies of sixteen, were totally mismanaged; that the rich exempted themselves from the moderate contribution that was required; that the property of the middling or poorer classes was gradually sacrificed, as they contributed an equal sum with the wealthier, without any distinction of property; and, finally, that the preparations were never ready at the right time, and the State lost its opportunity [363]. This last conse-

[363] Demosth. de Corona p. 260. The expression ἀτελεῖς ἀπὸ μικρῶν ἀναλωμάτων admits of a twofold explanation. In the first place it might mean that they had obtained an immunity by means of small payments, as by this small contribution to the Trierarchy they were exempted from Liturgies during the time that they were serving the Trierarchy. But, in the first place, the words contradict one another; for if these persons contributed small sums they were not entirely free; also it would have been

quence of mismanagement is censured by Demosthenes as early as in Olymp. 107. 1.[364], and it was partly to this reason, and partly to the exhaustion of their strength, that fresh necessity for the existence of voluntary Trierarchs was owing. The first voluntary Trierarchy (ἐπίδοσις) has been already noticed, the second was used for the fleet against Olynthus[365], and the third for the war in Eubœa, in which the Athenian army at Tamynæ was supposed to have been surrounded, which account, as was afterwards shewn, only originated from a stratagem of Phocion; at that time some citizens made free gifts of triremes[366], perhaps together with the hull; although it is possible that to make a free gift of a trireme (τριήρη ἐπιδοῦναι) only means to equip a public trireme lying in the docks, and to manage it at the individual's expence. This third voluntary Trierarchy occurred immediately before the time when Demosthenes was insulted by Meidias at the Dionysia, and composed the speech against that individual[367]. Now since Demosthenes, according to the accurate account of Corsini, was born in Olymp. 98. 4., and not, as Diony-

necessary to mention the burden from which they exempted themselves, and διὰ would have been better than ἀπὸ: I therefore understand the words thus: "they exempted themselves from the expence, which was proportionally small for their property;" for, as has been already shewn, the whole expences were often defrayed by their colleagues, and they themselves contributed nothing. The common expression is indeed ἀτελής τινος, but in an unusual phrase like the present, with the addition of the words μικρῶν ἀναλωμάτων the orator might have added ἀπὸ for the sake of distinctness.

[364] Philipp. I. p. 50.

[365] Demosth. in Mid. p. 566.

[366] Demosth. in Mid. pp. 566—568.

[367] P. 566. 28. where observe νῦν, and p. 567. 16.

sius supposes, in Olymp. 99. 4., and when he wrote the oration against Meidias was thirty-two years old [368], which therefore falls in Olymp. 106. 4. [369], and not, as Dionysius

[368] P. 564. 19.

[369] See Wolf p. CVIII. cf. p. LXII. Petit III. 4. 7. with less accuracy assumes Olymp. 106. 3., not reckoning the thirty-two years complete. My statement may be also supported against that of Dionysius by the testimony of Demosthenes against Meidias, p. 541. Demosthenes, after the suit against his guardians, had brought an action against Meidias for libellous words (δίκη κακηγορίας), on account of the insult which Meidias had offered to him at the very time when the cause against Aphobus was to have been brought before the court. Meidias was condemned *in contumaciam* (τῆλον ἐρήμην, says Demosthenes); afterwards however, as he did not pay his fine, Demosthenes brought against him an *actio rei judicatæ* (δίκη ἐξούλης) eight years before the προβολή against Meidias on account of the insult at the Dionysia. One cannot however well reckon that so many years intervened between the action against Aphobus and the institution of the δίκη ἐξούλης, as to make the latter fall in Olymp. 105. 4.; it would be more conveniently placed in Olymp. 104. 4.; according to which supposition the oration against Meidias was written in Olymp. 106. 4. Taylor (Præf. ad Mid.) and Wolf (p. CVIII.) are indeed of opinion that events are mentioned in the oration against Meidias which happened later; but there can be no doubt that none but the expeditions already mentioned are alluded to, which are evidently of earlier date, and have been confounded with the subsequent wars, the Olynthian expedition even having been mistaken by Ulpian ad p. 578. Reisk. Upon the whole there is no reason for supposing that Demosthenes wrote the speech against Meidias a considerable time after the event itself took place; on the contrary, it may be distinctly shewn, for which at present I have no room, that the speech was written soon after the προβολή, and before the composition with Meidias, for which reason it was left by him unfinished.

thinks, in Olymp. 107. 4., and the Eubœan war in like manner in Olymp. 106. 4. or a short time before, since some interval had elapsed between the offence and the composition of the speech, as several passages of the oration shew, and must necessarily be the case from the course of judicial proceedings. I remark besides, that the battle of Tamynæ[370], and other events connected with the Eubœan expedition, have nothing to do with the expedition made against Eubœa in Olymp. 109. 4., with which it may be easily confounded. Plutarch of Eretria had called upon the Athenians for assistance[371], and having a party in Athens, to which moreover Meidias belonged[372], he was supported against the advice of Demosthenes, who, in the oration concerning Peace, delivered in Olymp. 108. 3.[373], boasts of having opposed him, and Phocion being sent as general was successful in the battle against the mercenaries of Philip and those from Phocis. Subsequently Plutarch the Eretrian was himself again driven

[370] Æschin. de Fals. Leg. p. 332 sqq. (delivered in Olymp. 109. 2.), and in Ctesiph. p. 480 sqq. Plutarch. Phoc. 12, 13. is most explicit upon this point; the date however cannot be determined from his account, as the events that follow are narrated very briefly: I only remark that the dismission of Chares to the Hellespont, mentioned in the Life of Phocion chap. 16., must not, for the purpose of reconciling it with my account, be referred to that which took place in Olymp. 106. 4. (Diod. XVI. 34.), but the historian passes over to occurrences of far later date; of which elsewhere. Of the passage in the speech against Bœotus de Nom. p. 999., with regard to the battle of Tamynæ, I have already treated in note 194.

[371] Æschin. p. 480. Plutarch. ubi sup.

[372] Demosth. in Mid. p. 579. 2. cf. p. 550. extr.

[373] P. 58. 3.

out by Phocion[374], for having in conjunction with Hegesilaus the Athenian deceived the people, and stimulated Eubœa to revolt; on which account Hegesilaus was brought before a court of justice[375]; the free constitution of Eubœa was reestablished; and the people were for a time their own masters, until dissensions arose, which ended with the setting up of three tyrants favoured by Philip; Hipparchus, Automedon, and Cleitarchus, and also of Philistides in Oreus, as Demosthenes[376] relates in the third Philippic, which was spoken in Olymp. 109. 3; these same tyrants were however finally driven out by the Athenians, at the persuasion of Demosthenes[377], and Cleitarchus was slain by Phocion in Olymp. 109, 4.[378] So much with regard to the Eubœan expedition. With

[374] Plutarch. in Phoc.

[375] Demosth. de Fals. Leg. p. 434. 14. and there Ulpian p. 390. D. To this war the passage in Orat. adv. Neær. p. 1346. 14. refers. Schneider ad Xenoph. de Vectig. p. 151. confounds with it the war of Olymp. 105. 3., concerning which see above chap. 12., and particularly the passages in note 293. The passage there quoted from the speech for the Megalopolitans, which was delivered in Olymp. 106. 4., might indeed be referred to the war of the latter year; the oration however appears to have been spoken before the beginning of the war, otherwise more mention would undoubtedly have been made of it.

[376] See p. 125. cf. de Corona p. 248. 16. p. 324. 16. Concerning Philistides see Demosth. Philip. III. p. 119. 22. p. 126. 3 sqq. de Corona p. 248. 15. p. 252. 17 sqq.

[377] Demosth. de Corona p. 252.

[378] Diod. XVI. 74. Wesseling, in his note upon this passage, was aware of the difference between the two battles won by Phocion, but he himself, as well as the Commentators upon Plutarch, are in error, when they propose to write Κλείταρχον for Πλούταρχον in Phoc. 13., not to mention others, who confound the totally different accounts respecting Plutarch and Cleitarchus.

reference to the second voluntary Trierarchy, for the expedition against Olynthus, it will be seen that it did not occur long before the third; for the war of Olynthus was still going on at the conclusion of the Eubœan war, as the cavalry which had served at Eubœa went from thence immediately to Olynthus[379]. We cannot therefore understand the auxiliary troops which Athens furnished to the Olynthians against Philip in Olymp. 107. 4., although a body of cavalry was also sent from Athens on that occasion[380]; nor can the war of Timotheus against Olynthus be meant[381], which this general still carried on with the assistance of the Macedonians[382], and which must thus occur even before the first voluntary Trierarchy (Olymp. 105. 3.), probably in Olymp. 104. 1., when Timotheus took Torone and Potidæa[383], cities which were of the greatest importance to the Olynthians[384]. This expedition more probably belongs to the times subsequent to Olymp. 105. 3. in which year Philip made an alliance with the Olynthians, and gave them Pydna, with the promise of Potidæa as well[385]; Athens and Olynthus were afterwards engaged in hostilities[386], for which in the 106th Olympiad the second voluntary Trierarchy was doubtless necessary, after the Athenians had exhausted themselves with the Social war.

[379] Demosth. in Mid. p. 578. sup. Cf. Orat. in Neær. ubi sup.

[380] Philochorus ap. Dionys. Halicarnass. vol. II. p. 123. ed. Sylb.

[381] Concerning the latter person see book II. 24.

[382] Demosth. Olynth. II. p. 22. sup.

[383] Diod. XV. 81.

[384] Diod. XVI. 8.

[385] Diod. ibid.

[386] Libanius Argum. ad Demosth. Olynth. 1.

(14.) Demosthenes, being well aware of the defects in the constitution of the Symmoriæ, at the time when he held the office of manager of naval affairs (ἐπιστάτης τοῦ ναυτικοῦ), brought forward in a new law an improved and rational constitution of the Trierarchy, having rejected the bribes which the leaders and other wealthy members of the Symmoriæ offered him, and withstood the action for illegal proceedings (γραφὴ παρανόμων) which Patroclus of Phlya had brought against him [387]. The Symmoriæ and Synteliæ then in existence, the members of which had even given up the names of Trierarchs, and called themselves Partners or Sharers (συντελεῖς), were abolished, and the services were again brought back to the Valuation. The Trierarchs were, according to the words of the law, rated for a trireme according to their property as stated in the register, in such a manner that one trireme was required from ten talents; whoever was valued at a higher sum was, according to the same proportion, returned to the Trierarchy as being bound to furnish two triremes and one auxiliary vessel (ὑπηρετικόν); while all those who had less than ten talents were to unite in Syntelias until they made up that sum [388].

[387] Demosth. de Corona pp. 260, 261. Concerning the office which Demosthenes held when he put his project into execution see Æsch. in Ctesiph. p. 614. The law first came before the Senate, who referred it to the People. Instead of εἰσήνεγκε νόμον εἰς τὸ τριηραρχικὸν in the speech for the crown, should be read, εἰσήνεγκε νόμον τριηραρχικόν; which I mention in order that it may not be supposed that there existed a separate office called τὸ τριηραρχικόν.

[388] Demosth. ibid. p. 262. sup. Κατάλογος. Τοὺς τριηράρχους αἱρεῖσθαι ἐπὶ τὴν τριήρη ἀπὸ τῆς οὐσίας κατὰ τίμησιν, ἀπὸ ταλάντων δέκα· ἐὰν δὲ πλειόνων ἡ οὐσία ἀποτετιμημένη ᾖ χρημάτων, κατὰ τὸν ἀναλογισμὸν ἕως τριῶν πλοίων καὶ ὑπηρετικοῦ ἡ λειτουργία ἔστω· κατὰ τὼν αὐτὴν δὲ

The terms of the law, although towards the end they are not expressed with precision, distinctly shew that the ten talents were not merely property, but the property according to the valuation, or the taxable capital, as Budæus before understood it [389]. Thus if the valuation in the year of Nausinicus was still in force, which was the foundation of the proposals made in the speech concerning the Symmoriæ in Olymp. 106. 3., whoever was possessed of fifty talents was obliged to provide one trireme; of 150 talents and over, as in the case of Diphilus, was to supply three triremes, and, to preserve the proportion, an auxiliary vessel besides: for the sake however of preventing the burthen from being too oppressive, this was the highest rate even for the most wealthy; so that if a person was possessed of 500 talents, the number which he was bound to furnish was the same: all who were possessed of an inconsiderable property contributed according to their valuation, and diminished in a corresponding ratio to the diminution in their property. By these means a great alteration was effected. All persons paying taxes were rated under the new regulations; while the poor, who had been very much oppressed during the time of the 1200, received some relief, which was the intention of Demosthenes [390]; and those who formerly contributed a sixteenth to the Trierarchy of one vessel, were now Trierarchs of two [391]; that is to say, if their

ἀναλογίαν ἔστω καὶ οἷς ἐλάττων οὐσία ἐστὶ τῶν δέκα ταλάντων εἰς συντέλειαν συναγομένοις εἰς τὰ δέκα τάλαντα. On account of an observation of the last editor, I may mention that the ancient form is τριήραρχος and γυμνασίαρχος, and not τριηράρχης, γυμνασιάρχης, as is proved by inscriptions, for example, Inscript. 147 and 158. ed. Boeckh.

389 Ubi sup. p. 543.

390 De Corona pp. 260—262.

391 Ibid. p. 261.

taxable capital amounted to twenty talents. Of persons whose valuation was still higher than this sum Demosthenes says not a word, and it would almost appear as if no higher valuations had been then in existence, although they are allowed for in the law; and if the statements of the property were correctly made, there must have been some of a higher amount. The consequences were, according to Demosthenes, highly beneficial; during the whole war, which was carried on under the regulations of the new law, no Trierarch threw himself on the protection of the People, or took refuge at the altar of Diana of Munychia, or was thrown into prison; no trireme was lost to the State, or remained lying in the docks, from there being no means to send her out to sea, which had formerly been the case, as the poor were unable to perform the necessary services. What portion of the expence the Trierarch was forced to sustain, we are not informed; probably the same as under the Symmoriæ: and if the distribution was really made as the law directed, and the Trierarchy was performed in turn through the whole valuation, without ever falling a second time upon the same person, however rich, it could not have been oppressive. If we reckon that, as formerly, it cost about a talent, the total expence of the Trierarchs for 100, 200, or 300 triremes amounted to an equal number of talents, or a sixtieth, a thirtieth, and a twentieth of the valuation; that is to say, for the first class one-third, two-thirds, and one per cent of their property; for the poorer a proportionally less amount: and of the annual incomes, if they are only taken as a tenth part of the property, $3\frac{1}{3}$, $6\frac{2}{3}$, and 10 per cent for the most wealthy. But we may reckon that at that time Athens had not more than between 100 and 200 triremes at sea; at least the occasions on which there were 300 must have

been extremely rare, although the orators in exaggeration speak of that number: so that this war-tax did not for the richest class amount on an average to more than one-third and two-thirds per cent of their property. The arrangement of Demosthenes was upon this occasion, as in his former proposal concerning the constitution of the Symmoriæ, calculated for 300 triremes[392]; and for this number 300 Trierarchs serving in person must have been necessary. The chief burthen therefore naturally fell upon the leaders of the former Symmoriæ, and upon the second and third Symmorites who were next in order (of whom Demosthenes says that they would have been glad to have given him large sums of money in order to prevent the passing of the law[393]), or upon the Three hundred, according to an earlier form of Trierarchy, as is proved by Hyperides making mention of them[394]; but whether the Three hundred continued to exist as a corporate body, after the passing of the new law, cannot be ascertained, although it can be hardly doubted that new Symmoriæ and new leaders were created.

Demosthenes boasts of his resistance to bribes in the introduction of this law; while Dinarchus reproaches him with the most shameful and avaricious conduct in the

[392] Æsch. in Ctesiph. p. 614.

[393] De Corona p. 260. 21. Cf. Dinarch. in Demosth. p. 33. where the bribery of the 300 is mentioned. Wolf p. CXV. after Corsini was aware that Dinarchus and Demosthenes allude to the same thing; the points in which we disagree I leave to the consideration of the reader.

[394] Hyperides ap. Harpocrat. in v. *συμμορία*, cf. Poll. VIII. 100. The 300 mentioned by Demosthenes de Corona p. 285. 17. in a narration belonging to Olymp. 110. 2. appear to be the 300 of the Symmoriæ of the property-taxes.

proceeding: Demosthenes extols the fortunate consequences of his measures; but, as Æschines thinks that he has proved, he deprived the State of the Trierarchs of sixty-five swift-sailing triremes[395]. Which shall posterity believe, when it wishes to form a judgment from the accounts of deceitful orators? It appears to me that the statement of Demosthenes is defended by the fact itself, and the general opinion concerning his whole public life. Instead of entering more largely into this subject, we will only attempt to fix the period at which this law was proposed. According to a document still extant it was passed on the 16th of Boedromion in the Archonship of Polycles[396]; but unfortunately no year bears this name. Corsini[397] places him in Olymp. 109. 4. which is called the year of Nicomachus; but if his arguments are closely examined, their weakness is soon perceptible. In Olymp. 109. 4. in the Archonship of Neocles or Nicocles, which falls in the year of Nicomachus, it was proposed by Aristophon in the Prytaneia of the tribe Hippothontis on the last day of Boedromion, to claim from Philip the ships which he had taken away[398]: the law of Demosthenes was however passed on the 16th day of Boedromion during the presidency of the same tribe; consequently, says he, Polycles must have been Archon in the same year. This conclusion is perfectly unwarranted. Nothing more follows, than that in the year in which Polycles was Archon,

[395] See Dinarchus and Æschines as above.

[396] Demosth. de Corona p. 261.

[397] F. A. vol. I. p. 352. He confuses himself however in his enquiry, and this confusion led Wolf into the error of supposing that Corsini meant Olymp. 109. 3. when Sosigenes was Archon Eponymus, p. CXIII sq.

[398] Demosth. de Corona p. 250.

the tribe Hippothontis had the third Prytaneia, and likewise in Olymp. 109. 4.; only however in case both were common years: if the year in which Polycles was Archon was a leap year, this agreement could not have existed, but the same tribe must have had the second Prytaneia in that year; but even supposing it was a common year, why should not the tribe Hippothontis have been allotted the same Prytaneia in two successive years? Do we not find that the tribe Aiantis often held the first place, although there was no necessity that it should be so[399]. Secondly, Corsini asserts that Demosthenes passed the law before the war with Philip, which broke out in Olymp. 110. 1. consequently it must belong to the year mentioned before. But I am unable to discover any proof that the law was passed before the war. Petit[400] on the other hand places the Archon Polycles in Olymp. 110. 2. For in Olymp. 110. 1. Philip seized Byzantium and Perinthus; and on this occasion the Athenians, according to the account of Philochorus, equipped a fleet upon the instigation of Demosthenes, who was the author of the decrees, and also continued their preparations in the succeeding year. Now Demosthenes, after having related that Byzantium and the Chersonese were saved by his counsel, mentions the law concerning the Trierarchy as the next service which he had rendered the State[401].

[399] The tribe Aiantis had indeed so far the preference that its chorus could never be the last (Plutarch Qu. Symp. I. 10.) in the allotment of the Prytaneias, it was however on precisely the same footing as the rest, and might be the last: of which an instance occurs in Demosth. de Corona p. 289.

[400] Leg. Att. III. 4. 8.

[401] Philochor. pp. 75, 76. of the collection of his Fragments

The supposition of Petit therefore appears to be well founded. But it might be assumed with greater probability that the law was passed in Olymp. 110. 1. in the month Boedromion, that is in the autumn, about the month of September. Philip, according to the account of Philochorus, made an attack upon Perinthus in the Archonship of Theophrastus in Olymp. 110. 1. and, when this undertaking had failed, upon the city of Byzantium: it appears however that this either took place at the very beginning of this civil year, or at the end of the former year, viz. in the summer of Olymp. 109. 4. and Olymp. 110. 1. which is signified by the new Archon of the civil year which began in the middle of this summer, and not by the Archon of the preceding year which ended in the middle of the same summer. For the historians reckon the natural year from spring to spring: if then they wish to express the same year by the name of the Archon, or, what is the same thing, to compare it with the civil year, the natural method would be to choose the civil year of which three fourths coincided with the natural one, and not the preceding year, which has only three months in common. If this is true, and the next summer of Olymp. 110. ½. is not meant, the preparations must have been made in the same autumn, in the beginning of Olymp. 110. 1. and Demosthenes carried through the law concerning the Trierarchy about the September of Olymp. 110. 1. in order that in the following campaign the war might be carried on in the spring with better success; the Archon Polycles must therefore be placed in the year in which Theophrastus was Archon Eponymus. There can-

published by Lenz and Siebelis. Demosth. de Corona p. 260. 4. *Βούλομαι τοίνυν ἐπανελθεῖν, ἐφ' ἃ τούτων ἐξῆς ἐπολιτευόμην.*

not however be any doubt between any other years except Olymp. 110. 1. and 2. Of the duration of this law we know nothing, as we have no accounts concerning later times. In the oration for the Crown (Olymp. 112. 3.) in which so much is said upon this subject, it is neither mentioned that this law was still in existence, nor that it had been repealed, nor that any thing had been substituted in its place; it appears however that Æschines, influenced by the bribes of the leaders of the Symmoriæ, succeeded in procuring its abrogation [402].

(15.) From what has been said it is evident that the Trierarchy, the most expensive of the Liturgies, was not necessarily oppressive, if the regulations connected with it were fairly and properly arranged, though on the other hand no tax was more intolerable, if the burthens were unequally imposed and distributed: for thus it frequently happened that the property of those who from motives of ambition or patriotism were induced to incur greater expences than were necessary, was exhausted by it. Not only therefore were the rich impoverished by the Liturgies [403]; but they corrupted the people by their lavish expenditure, as the sailors are said to have been by Apollodorus, the son of Pasion, when Trierarch [404]; we must not therefore be surprised at the exaggerations of the comic poet [405], who, in order to shew the insecurity of all property which a man did not hold, as it were, between his teeth, says that the payer of property-taxes might be utterly ruined by them, the Choregus could furnish his chorus with

[402] Demosth. de Corona p. 329.

[403] Xenoph. Rep. Ath. I. 13.

[404] Demosth. in Polyclem.

[405] Antiphanes ap. Athen. III. p. 103. F.

golden dresses, and leave himself afterwards in rags; and the Trierarch hang himself in despair. But similar measures have also been employed in our days, though under other circumstances, and in a somewhat different form. If the ancients had been as well acquainted with the pressure of armies living at free quarter, of war-supplies and forced loans, as we in the present time are with their Liturgies, they would have had more to apprehend from the introduction of our system than we could have of theirs; especially as the means of legal redress were then far more accessible than in modern times. If we (in Germany) had the same publicity of government and freedom of discussion as existed in Greece, as many stories to our prejudice would descend to our posterity as have been handed down to us in the works of their orators on the subject of the Liturgies; and if the persons who were liable to war-taxes, or who had soldiers quartered on them, were allowed to challenge an exchange of property with any one who might appear better able to bear these burdens, the same number of courts of justice as existed at Athens would hardly suffice to decide the disputes which would arise in a city of equal extent.

With regard to the Trierarchy, although the expences required were very different at different times, the statements of the ancients all lead to the same result, viz. that a whole Trierarchy did not cost less than forty minas nor more than a talent; and that a half Trierarchy cost between twenty and thirty minas, except in such a case as that of Apollodorus, where the Trierarch supplied the pay, or subjected himself to other unnecessary expences, or managed his affairs without economy. A Trierarchy which lasted for three years after the battle of Cnidus,

cost, according to Lysias, eighty minas[406], that is, upon an average, 26⅔ a year, which was doubtless only a half or Syntrierarchy; in the later times of the Peloponnesian war a Trierarchy of two partners cost forty-eight minas, twenty-four apiece[407]. The half Trierarchy which was let by Demosthenes, cost twenty minas, the State neither providing the equipment, nor even supplying the crew. At a subsequent period the lease of a whole Trierarchy cost a talent, although the vessels were both manned and equipped by the State[408], which may be explained by supposing that the contractors, who had before reckoned upon captures, and therefore required less assistance, had been taught by former losses, to raise their demands; the ship's furniture might also have been damaged and imperfect, and the vessels themselves in want of much repair. A whole Trierarchy for seven years in earlier times (from Olymp. 92. 2. until Olymp. 93. 4.) had cost a client of Lysias six talents, that is 51⅓ minas a year[409]. But the proportion which the services bore to the property, before a correct allotment had been enforced by law, cannot be ascertained on account of the absence of a fair scale founded upon fixed principles. The only question therefore of which we can offer any solution is, what was the amount of property which obliged the citizens to the performance of the Trierarchy; even upon this point however we are unable to state a determinate sum, although some one fixed rate *must have existed*. Apollodorus the Trierarch had an annual income of two talents[410]; the family of Demos-

[406] Pro Aristoph. bonis p. 633. p. 643.

[407] Lysias in Diogit. pp. 907—909.

[408] See chap. 12 and 13.

[409] Book III. 22.

[410] Book IV. 3.

thenes, which was liable to the performance of the Trierarchy, an estate of fifteen talents[411], that produced at the least an income of ninety minas a year, and Isæus[412] complains that a person with an income of eighty minas, which supposes a property of about eleven talents, had not performed any Trierarchy. Critobulus, as mentioned in Xenophon[413], had a property of more than 500 minas, which would subject him, in the opinion of Socrates, among other expences to the pay of more than one Trierarchy, in case a war should break out; that is to say, he would be forced to perform the Syntrierarchy, which had been introduced about twelve years before the death of Socrates, and which was in existence when Xenophon wrote this passage. The word *pay* is used because a Trierarch who did not command his own vessel, made a payment to the other Trierarch who served in person, which appears to be in strictness a remuneration for services performed. I am aware of no instance of liability to the Trierarchy arising from a property of less amount than this; and since an estate of one or two talents never obliged the possessor to the performance of any Liturgy[414], what shall be said to the assertion of Isæus[415], that many had

[411] Book IV. 3.

[412] De Dicæog. Hered. p. 110.

[413] Œcon. 2. 6. τριηραρχίας μισθούς. Pay for the sailors cannot be here meant. Reckoning the pay without the provision at twenty minas a month, although thirty were often given, the result would be such a sum as no Trierarch ever paid or could pay; we have also sufficiently proved that the Trierarch was never bound to furnish the pay, and if pay were meant, the expression used must have been μισθοὺς ναυτῶν and not τριηραρχίας.

[414] See book III. 21.

[415] De Dicæog. Hered. ubi sup.

borne the expensive office of Trierarch, whose property did not amount to eighty minas? If this is not a rhetorical exaggeration, or a deceit on the part of the rich, who, by concealing their property, wished to enjoy the credit of a greater sacrifice, while they only performed their just share, these must have been services performed by ambitious and public-spirited citizens, who did not hesitate to contribute to a Syntrierarchy a considerable portion of a small property. The same judgment may be formed on the case of another client of the same orator [416], who defrayed the expences of a Gymnasiarchy from a supposed fortune of about eighty-three minas.

(16.) At the conclusion of our researches concerning the Liturgies, it will be necessary to say something on the subject of the Exchange (ἀντίδοσις). For the purpose of relieving the poor, and particularly those whose property had been diminished by reverses of fortune [417], from the oppression of an unfair burthen, and in order to prevent the wealthy from escaping the Liturgies, it was enacted by law that whoever named another person to a Liturgy, whom he thought had been passed over, though better able to undertake it than himself, was empowered to transfer it; and in case the latter party refused to take it, he could demand an exchange of property, with the condition that he should then perform the Liturgy from the property received by him in exchange; and the party, to whom the exchange had been offered, could no longer be called upon to perform it [418]. Solon was the

[416] De Menecl. Hered. pp. 219—223. Orell.

[417] Qrat. in Phænipp. pp. 1039, 1040.

[418] Suidas in v. ἀντίδοσις, Lex. Seg. p. 197. Ulpian ad Mid. p. 660. A.

author of this regulation, which, though obviously subject to many difficulties, was neither unjust nor absurd [419], and it provided a ready means of redress against arbitrary oppression. To assist every man in obtaining his right, and to afford protection to the poor, were the predominant objects of the legislation of Solon, which he pursued without paying any regard to the inconveniences which might arise from the means employed in attaining them. The Exchange most frequently occurred in the case of the Trierarchy, and not uncommonly in that of the Choregia [420]; it existed however in the other Liturgies, and could also be had recourse to as a relief from the property-taxes, if, for example, any one complained that his means were not greater than those of some other person who was rated to a lower class, or, as was frequently the case, that persons could prove themselves unfairly included in the class of the Three hundred [421]. This proceeding was allowed every year to the persons nominated for the Liturgies by the regular authorities, which in the case of the Trierarchy and property-taxes were the generals [422], to the great delay of military affairs. The offerer immediately laid a sequestration upon the property of his opponent, and sealed up his house, if he refused to accept the Liturgy; the house

[419] Orat. in Phænipp. init.

[420] Xenoph. Œcon. 7. 3. Lysias περὶ τοῦ δύνατ. p. 745. Demosth. in Lept. §. 109. (p. 496. 20.) in Mid. p. 565. 8.

[421] Orat. in Phænipp. particularly p. 1046. 24. from whence it is pretty certain that the question in the speech relates to the advance of the taxes. Concerning translation from one class into another, compare also the argument to this oration.

[422] Orat. in Phænipp. p. 1040. Demosth. Philipp. I. p. 50. 20. Xenoph. Rep. Ath. 3. 4. Comp. Suidas in the passage quoted by Matthiä Miscell. Philog. vol. I. p. 249.

was however free to the first party. The next step was that both the parties undertook upon oath to give an account of their property, and were bound within the space of three days to deliver in an inventory (ἀπόφανσις) to each other. Then the cause was decided by the court[423]. If the verdict was unfavourable to the party who made the offer, the proposed exchange did not take place; and it was in this manner that Isocrates gained his cause by means of his son Aphareus, against Megacleides, who had demanded to exchange property with him. If however the decision was in favour of the offerer, the opponent was free either to accept the exchange, or to perform the Liturgy. On that account Isocrates undertook the third of the three Trierarchies performed by himself and his son, when Lysimachus had claimed to exchange with him[424]; and it is to this the oration concerning the Exchange refers, a speech of great length, but barren of information. Lastly, the party to whom the offer was made, could not bring the cause into court, after the seal had been once imposed; but he was then obliged to take the Liturgy; as was the case with Demosthenes[425].

All immoveable and moveable property was transferred

[423] Orat. in Phænipp. cf. Xenoph. ubi sup. (unless it be thought that law-suits with regard to ships' furniture are here meant, see the speech against Euergus and Mnesib. p. 1148. 17 sqq.) Suid. in v. διαδικασία.

[424] Isocrat. de Antid. 2. ed. Hall. p. 80. ed. Orell. Comp. the inaccurate account in the Lives of the Ten Orators p. 240. and the more correct one in p. 244. Dionys. Halicarn. Vit. Dinarch. ad fin. Aphareus is also mentioned as Trierarch in Orat. in Euerg. et Mnesib. p. 1148.

[425] In Aphob. II. p. 841. in Mid. p. 540.

in the Exchange, with the exception only of mines[426], which were exempted from the extraordinary taxes and the Liturgies, as being already taxed. On the other hand, Wesseling upon Petit maintains that all causes, and Wolf that all civil causes, of the parties making the exchange, were transferred from the one to the other. Both regulations are too absurd to be imputed to the Athenian law. With regard to the public suits it is evident at first sight that this could not have been the practice. We will suppose that Demosthenes and Thrasylochus exchanged their property, and that Demosthenes had an action for illegal proceedings pending against him; if then Demosthenes was afterwards condemned to death, is Thrasylochus to be executed? No one indeed imagined this possible; but supposing that Demosthenes was condemned to a fine of fifty talents, is Thrasylochus to pay the fine, and in case of failure to be thrown into prison, and to suffer whatever were the other consequences of such omission? A regulation of this kind would be impossible, for the law could only punish the person who actually committed the offence. The case is precisely the same with civil or private causes. If Thrasylochus struck Callias, or injured his property in any manner, and was indicted before the exchange took place, and after it had been completed, was condemned to pay to Callias a certain sum for damages, Demosthenes is evidently not bound to pay this fine; for the punishment is personal, and necessarily continues so. Or if Thrasylochus had a private law-suit relating to some mining affair, the mines being

[426] Orat. in Phænipp. p. 1044. Compare my Memoir upon the Silver-mines of Laurium.

a species of property which was excluded from the exchange, it is manifest that when the exchange was made, the law-suit could not have been transferred to Demosthenes. Now let us suppose another case. Demosthenes brings an action against Aphobus for having damaged his property, and demands a compensation of ten talents: while the case is pending, he exchanges his property with Thrasylochus; in this instance it is agreeable to common sense that the cause should pass over to Thrasylochus, who is at liberty either to proceed with it, or allow it to fall to the ground; and if he adopts the former course, he has no one to blame for the issue of it but himself. In other words, the parties making the exchange transferred their property, mines being excepted, with all claims and obligations attached to it, and particularly all debts, as may be seen from the speech against Phænippus. This holds good of every other transfer of property, even when there was no interchange: whoever received an estate by inheritance, received also the rights and duties belonging to it: and with regard to the exchange the same rule obtained. The single case from which it has been concluded that law-suits were transferred in the exchange, exactly proves what has been stated. When the action of Demosthenes against his guardians (from whom he claimed compensation for the property of which they had defrauded him, and thus in fact demanded restitution of what had formerly belonged to him, as of an unpaid debt) was to have come before the court in a few days, Thrasylochus offered to exchange property with him, having a secret understanding with the guardians, that if Demosthenes accepted the offer, he (Thrasylochus) would not proceed with the cause against them; because these law-suits, as

the orator expressly says, were transferred to the party who made the exchange[427]. Demosthenes accepted the exchange, reserving however his claims upon the guardians in the hope of a judicial verdict, by which the reservation would be granted to him: failing however to attain this object, and as there was no time to be lost, he cancelled his agreement to the exchange, and performed the Trierarchy, in order that he might not give up the cause against his guardians, to whom his opponent had already yielded the dispute[428].

(17.) Notwithstanding the extensive resources of Athens and her various means of raising money, she shared the common fate of the Grecian States, and was frequently exposed to the greatest difficulty by an inability to pay comparatively trifling sums, arising from the want both of foresight and economy in the management of the revenue[429]. Thus Athens, after the Anarchy, at a time when the State was completely exhausted, was driven into hostilities with the Bœotians, by an inability to raise two talents[430]; and subsequently the Thebans themselves were prevented from recovering their citadel from the foreigners by being in like manner unable to raise five talents; and an expedition of all the Arcadians failed in attaining its object from a want of nine talents[431]. It is not therefore surprising that the States of Greece resorted

[427] In Aphob. II. p. 840. ext. ἵν' εἰ μὲν ἀντιδώην, μὴ ἐξείη μοι πρὸς αὐτοὺς ἀντιδικεῖν, ὡς καὶ τῶν δικῶν τούτων τοῦ ἀντιδόντος γιγνομένων.

[428] Ibid. p. 841. in Mid. p. 539 sqq.

[429] Instances of embarassment see in Thucyd. VIII. 4. and above book III. 19.

[430] Lys. in Nicomach. p. 860.

[431] Æsch. in Ctesiph. p. 633.

to other means of raising money than those that have been already mentioned, and particularly for defraying the expences of war. Among these may be mentioned the Persian subsidies, which were chiefly obtained by Sparta for the purpose of being employed against Athens[432]. The occasions upon which the latter State received support from the king of Persia or his satraps were rare, as for example, through Alcibiades and Conon; in the contests against Macedon, when it was the policy of the Persian King to assist the Athenians with money, he at first refused it in a coarse and barbarous epistle; and shortly afterwards, when the Athenians no longer ventured to accept any aid, he offered them 300 talents. Another productive source of revenue[433] was the plunder obtained in war; for according to the international law of the ancients, the bodies of all prisoners, together with their wives, children, and slaves, and their whole property moveable and immoveable, became the property of the conqueror; and it was only by particular stipulations that milder conditions were obtained; for example, that the free population of a conquered city should be permitted to go out with a single garment each, or to pay a large contribution, or to cultivate their own lands upon the payment of a rent. The troops were also frequently paid out of the plunder; and the conquered land was then immediately sold. The Athenian generals also in one instance received sixty talents for nine triremes, which had been captured from

[432] More than 5000 talents; see book I. 3. This took place later than Olymp. 91. 4. as is shewn by Andoc. de Pace p. 103. cf. Thucyd. VIII. 5.

[433] Æschin. ubi sup. p. 632 sq. cf. Dinarch. in Demosth. p. 14. where the same occurrence is probably alluded to.

Dionysius[434]. For reprisals against the enemy they were in the habit of taking prisoners (ἀνδρολη̃ψία, ἀνδρολήψιον)[435], and granted, both against States and individuals, permission to privateer (σῦλα, σῦλαι)[436]. A prize-court decided upon the plunder which was taken[437]; the tenth part of which was allotted to the temple of Minerva[438], and the rest must have belonged to the adventurers; under certain circumstances however it fell to the State[439], and the proceeds were frequently considerable. Thus a ship of Naucratis, which the court had adjudged to the State, was estimated at 9½ talents[440]. The contributions, which were imposed upon conquered States, were by no means of small amount; Pericles raised 80 and at another time 200 talents from the island of Samos as a fine and compensation for the expences of the war, for which however they were not sufficient[441]; at times they were not taken from the whole State, but from individuals whose principles were not agreeable to the ruling power[442]. In general however these contributions had the character of mere arbitrary extortions alike from friends and foes: vessels were dispatched in order to collect money (ἀργυρολογει̃ν, δασμολογει̃ν)[443], and not legal tributes alone but ad-

[434] Diod. XV. 47. XVI. 57.

[435] See Petit Leg. Att. VII. 1. 17. Lex. Seg. p. 213.

[436] Concerning the σύλας διδόναι, comp. e. g. Demosth. in Lacrit. p. 931. 23.

[437] Cf. Salmas. M. U. p. 211 sqq. Liban. Argum. ad Demosth. in Timocrat. p. 694. 20.

[438] See book III. 6.

[439] Demosth. in Timocrat. and Libanius ubi sup.

[440] Demosth. in Timocrat. p. 696. 5, 14. p. 703. 15.

[441] Diod. XII. 27, 28. Thucyd. I. 117.

[442] An instance occurs in Diod. XIII. 47.

[443] Thucyd. III. 19. and frequently in the Historians.

ditional contributions, which impoverished the ill-fated inhabitants of the islands; Alcibiades, who had a particular dexterity in business of this description, and to whom they were most willing to give contributions, raised 100 talents in Caria alone [444]. The Athenians went about as pirates, in order to defray the expences of war; and this even in the earlier and better times of Athens, for we find that Miltiades undertook an expedition for plunder against Paros, in order to raise 100 talents [445]. They also imposed fines upon different States for particular offences; thus for example the Melians, or according to another reading, the Tenians, were required to pay a fine of ten talents, for having harboured pirates in their island, which sum was collected by violence [446]. Lastly, a source of revenue by no means unproductive existed in the calls frequently made in the assembly [447] for voluntary contributions (ἐπιδόσεις), either in money, arms, or ships; and these, as they smoothed the way to popular favour, and as many were either willing to sacrifice all they had to the good of their country, or expected advantage to themselves from its prosperity, were bestowed largely by citizens and foreigners, especially such as were endeavouring to obtain the rights of citizenship. The voluntary Trierarchies and the great sacrifices which were made in later days for the expedition to Sicily, have been already mentioned; Pasion the banker furnished a thousand shields from his own manufactory, together with five triremes which he manned at his own

[444] Xenoph. Hellen. I. 4. 4.

[445] Herod. VI. 136.

[446] Orat. in Theocrin. p. 1339. 21—28.

[447] Demosth. in Mid. p. 567. Plutarch. Alcib. 10. Theophrast. Char. 22. Athen. IV. p. 168. E. Plutarch. Phoc. 9.

cost [448]; Chrysippus presented a talent to the State, when Alexander moved against Thebes, and afterwards the same sum for the purpose of purchasing corn [449]; Aristophanes the son of Nicophemus, gave 30,000 drachmas for an expedition against Cyprus [450]; Nausicles, general of the Hoplitæ in Imbros, supplied 2000 men with pay without requiring any compensation from the State; Charidemus and Diotimus, two other commanders, made a free gift of 800 shields [451]; Demosthenes not only performed voluntary liturgies and contributed money for the public works, but gave on different occasions three triremes, and also at one time eight talents, to which he afterwards added three more for the building of the walls, one talent after the battle of Chæronea, and another for the purchase of corn [452]. As they were accustomed to give presents upon so large a scale, Isæus [453] might well reproach Dicæogenes, who was possessed of an income of eighty minas, with having given no more than 300 drachmas, even less than Cleonymus the Cretan: It is singular that voluntary contributions were not claimed for wars only, or to assist the people during a scarcity of provisions, but even for sacrifices [454].

(18.) Of the other measures by which the Greeks endeavoured to provide for any temporary difficulty of the State, and of which the second book of the Œconomics, attributed to Aristotle, furnishes a considerable collection,

[448] Demosth. in Steph. p. 1127. 12.
[449] Demosth. in Phorm. p. 918. inf.
[450] Lys. pro Aristoph. bonis p. 644.
[451] Demosth, de Corona p. 265.
[452] Decret. ap. Vit. X. Orat. p. 275 sq.
[453] De Dicæog. Hered. p. 111.
[454] Plutarch. Phoc. 9.

I will now mention some of the most remarkable, although many are not better than common tricks of roguery and swindling. Of these the most frequent and indeed the least objectionable is the borrowing of money, which was not so extensively practised in ancient as in modern times, both because credit was at a low ebb, and also that the high rate of interest was a great obstacle to the creation of a national debt; besides which their system of finance had not the solidity nor was of the artificial nature which this method of raising money requires; hence they preferred procuring the necessary supplies immediately by a property-tax, to borrowing the necessary sum and afterwards repaying it by moderate instalments. We do however find examples of loans of various kinds (either from foreign States and individuals, or from the inhabitants of the State itself), as of property sacred or not sacred, paying or not paying a rent, with or without security, voluntary or compulsory, and sometimes with a certain allowance of a currency of tokens. The loans of most frequent occurrence were those obtained by a State from its own citizens, as they required the least credit and were most easily effected: rich aliens at Athens under the protection of the State sometimes made a voluntary offer of lending money [455]: a loan to one State from a citizen of another occurs in an Orchomenian Inscription. Sparta furnished the Samians, who endeavoured to reconquer their native country, with a sum of money which they raised by a public decree in a manner which seems

[455] It was however necessary for them to avoid committing any solecism in their language which could shock the Athenian ear, if they wished their proposal to be accepted. Photius in v. θερίω.

more amusing to us than it could have been agreeable to the Spartans. It was effected by the inhabitants fasting for one day together with their slaves and cattle, and each person was obliged to contribute to the State the same quantity that he would have consumed[456], for which no re-payment was required. This State also lent 100 talents to the thirty tyrants at Athens; which the people, whether from love of justice, as Demosthenes affirms, or through fear of the Spartans, redeemed by a general property-tax, though some persons required, and not without an appearance of justice, that those who had incurred the debt should pay it[457]. In this loan there was doubtless neither interest nor security. Loans of money belonging to the temples frequently occur, and for the most part without interest[458]. Besides the large sums of money which Athens borrowed from its temples, it may be also mentioned, that the temple of Delos, which was under the power of Athens, had lent money upon interest to private individuals, and even to many States[459]. The money deposited in the hands of Lycurgus, and advanced by him for the use of the administration, may be considered as a loan of private individuals without interest. Of a security or pledge in the case of public loans there are but few

[456] Aristot. Œcon. II. 2. 9. Plutarch. (de discrim. amic. et adul. 33.) relates the same story of a present of corn sent by the Spartans to the Smyrnæans. Are we to suppose that this generous action was repeated, or that one of the accounts is untrue?

[457] Demosth. in Leptin. §. 10, 11. Isocrat. Areop. 28. Lysias in Nicom. p. 860. Xenoph. Hell. II. 4. 19. Plutarch. Lysand. 21.

[458] Inscript. 76. vol. I. p. 116. and 144. p. 205. ed. Boeckh.

[459] Inscript. 158. vol. I. p. 252. ed. Boeckh.

examples: Memnon of Rhodes, the governor of Lampsacus, assigned to the creditors the national revenues which were next due; Tachus, the King of Egypt, did the same, upon the advice of Chabrias[460]; the Oreitæ of Eubœa are stated to have pledged the public revenues to Demosthenes for a debt bearing interest[461]; and at Orchomenus the cattle-pastures appear to have been given to an Elatean, as a security for a loan of money[462]. Compulsory loans are all those which were imposed upon certain persons by a decree of the people, or the command of a tyrant, either because they were particularly rich or in the possession of those objects which were required. The advance of taxes made by the wealthy Athenians[463] belongs generically to this class, although there is a difference in the form, for the State was not in this instance the debtor, but the poorer citizens, who escaped the equal proportion of the taxes. The Chians obtained a forced loan, which fell solely upon the capitalists, in the following manner: they ordered that all the money lent out to private individuals, which in this island was entered in a public register, should be delivered up by the debtors to the State, which then undertook their obligations, and engaged itself to pay the interest out of the public revenue until such time as it was able to redeem the principal[464]. Dionysius the Elder and Tachus required all the uncoined gold and silver to be lent to the State: the Mendæans, wishing to raise money for the war against Olynthus,

[460] Aristot. Œcon. II. 2. 20, 25. Cf. Polyæn. V. 11. 5.
[461] Æschin. in Ctesiph. p. 496.
[462] Mentioned in an Orchomenian Inscription.
[463] See book IV. 9.
[464] Aristot. Œcon. II. 2. 12.

decreed that every person should sell all his slaves, with the exception of one female and one male, in order to lend to the State the money which accrued from the sale: the Clazomenians passed a decree compelling private individuals to advance all their stock of oil, a commodity which was produced in that State in great abundance, in consideration of the payment of a sum of money, with a view to remedy the scarcity of corn: the Ephesians prohibited the women from wearing gold ornaments, and compelled them to deliver what they had as a loan to the State[465]. The Clazomenians owed twenty talents to their mercenaries for arrears of pay, for which they paid a yearly interest of four talents to the commanders; thus they were continually making useless payments, without arriving any nearer to the redemption of the debt. They therefore coined twenty talents of iron money, to which they arbitrarily gave the value of silver, distributed it proportionally among the most wealthy, and received an equal quantity of silver in return, by which they redeemed the debt[466]. The iron, which was thrown into circulation by the possessors, replaced the silver as a currency of tokens, and therefore the quantity of money in circulation was not diminished; the iron money performed the same service at home as the silver formerly, and whatever silver they possessed besides that furnished to the State, could be used for foreign exchanges. So far then this iron coinage stood to them in the same relation as the paper money of modern days. But the State also paid an interest to those persons whose silver it had received,

[465] Aristot. Œcon. II. 2. 20, 25, (cf. Polyæn. V. 11. 5.) 21, 16, 19.

[466] Aristot. Œcon. II. 16.

and gradually redeemed the iron for silver: thus these iron coins also served the purpose of a certificate of debt. It is manifest that the interest must have been small; for they probably gave less than the common rate, as the creditors also possessed the current tokens: if the State paid ten per cent, with the four talents which were formerly given to the commanders every year, it might have both paid the interest and redeemed the principal in about eight years. It hardly deserves to be mentioned that States as well as private individuals gave bonds of debt, which were sometimes deposited in the hands of private individuals [467], particularly of bankers, and sometimes, if the money had been borrowed from sacred corporations, in temples, &c. [468].

(19.) A fraudulent method of assisting the finances, which was only effectual for the moment, and in the sequel produced the most pernicious consequences, was the coining of base kinds of money. Many Grecian States, even in the time of Solon, openly made use of silver money alloyed with lead or copper [469], which, although it was not productive of any disadvantage to the inland traffic of the country, was either wholly or nearly devoid of value in foreign exchanges. It happened however but seldom that the State was an intentional coiner of false money; a charge which nevertheless falls with justice upon Dionysius the Elder, who left no evil means untried of putting his tyrannical projects into execution. In order to pay a sum of money which he had borrowed from the citizens for defraying the expences of ship-building, he

[467] Rose Inscript. I. 3. p. 270.

[468] Inscript. 76. T. I. p. 116. ed. Boeckh.

[469] Demosth. in Timocrat. p. 766. 10. Cf. Xenoph. de Vectig. 3.

compelled the creditors to receive a coinage of tin, which, according to Pollux, who probably follows Aristotle in the Constitution of the Syracusans, passed for four drachmas, and was only worth one[470]. The same person, on another occasion, being unable to repay a loan which was claimed of him, commanded his subjects upon pain of death to produce all their silver, which he coined and reissued at twice its former value, at which standard he then paid the debt[471]. An action of similar iniquity had been before committed at Athens by Hippias the Pisistratid. He called in all the silver in circulation, which was taken at a fixed value; and afterwards, a new device having been agreed upon, he reissued the silver at a higher value than that at which it had been paid in[472]. Republican Athens, on the other hand, anxiously maintained the purity of her silver coin; and although the fineness of the standard was latterly somewhat diminished, the State, which had made the forging of coins a capital offence[473], never chose to derive any profit from the debasement of her silver coinage. It is however true that Athens, in the Archonship of Antigenes (Olymp. 93. 2.), there being at that time a great difficulty in raising money for the extensive military

[470] Aristot. Œcon. II. 2. 20. Poll. VIII. 79. That Dionysius the Elder is here meant, is shewn by the siege of the Regini, the date of which is Olymp. 98. 2. Cf. Diod. XIV. 111.

[471] This is the meaning of the passage in the Œconomics. Both accounts are totally different, although they have been confounded by the same writer. Salmasius (M. U. p. 247.) confuses them with one another, and arbitrarily mutilates the words of Pollux.

[472] This is the manner in which Aristot. Œcon. II. 2. 4. should be understood.

[473] Demosth. in Lept. p. 508. 13. in Timocrat. p. 765. extr.

preparations in progress, was reduced to the necessity of coining gold with strong alloy from the statues of Victory[474]; and in the year which succeeded the issuing of this adulterated money, in the Archonship of Callias (Olymp. 93. 3.), a coinage of copper was struck[475], which was soon afterwards recalled[476]. This copper was doubtless intended to supersede the silver oboli, and must have been issued below its real value, as otherwise there could have been no reason for recalling it from circulation: Athens however had some copper coins which were always current, viz. the Chalcus, having the value of an eighth obolus, and also the Lepta, it being impossible to coin silver in such minute pieces. These copper coins were perhaps introduced by the statesman and elegiac poet Dionysius surnamed the Brazen, who in Olymp. 84. 1. went as leader of the colony to Thurii[477], and consequently can hardly be considered as the originator of these money-regulations, which were made in the 93d Olympiad. Lastly, passing over the copper-money of Athens in the times of the emperors, I

[474] See book I. 6. It is to this that Demetrius alludes, περὶ ἑρμην. §. 281. and thence Quintilian I. O. IX. 2. 92. "Victoriis utendum esse."

[475] Schol. Aristoph. Ran. 737.

[476] Aristoph. Eccles. 810 sqq. The Commentators upon Aristophanes and Eckhel (see book I. 6. note 78.) have confounded the gold coins alloyed with copper and the copper coins together; and if the words of Aristophanes are correctly explained, it will be seen that the poet speaks of the former in the Frogs, and of the latter in the Ecclesiazusæ: the distinction is also shewn by the difference in the years, which the Scholiast states upon good authority.

[477] Athen. XV. p. 669. E. Cf. Plutarch. Nic. 4. For specimens of his poetry see Aristot. Rhet. III. 2. Athen. XV. p. 668. E. p. 702. C. X. p. 443. D. XIII. p. 602. C.

may mention the coinage in that metal issued by Timotheus, for the purpose of extricating himself from a pecuniary embarrassment; this however must be considered in the same light as paper money, and not as a false coin, since its value was secured by the engagements of the general to take it in the stead of silver, and to redeem whatever remained [478].

The employment of base kinds of money derives its origin either from fraud, a scarcity of the precious metals, or from the notion that the precious metals are a source of corruption, and that therefore their home-circulation must be prohibited. From this latter cause, Plato in his second State imagines, according to the Doric model, a money circulating in the country, and devoid of value abroad (*νόμισμα ἐπιχώριον*), deriving its currency from the countenance of the State; and together with this another coinage, not in circulation, but kept in the public coffers, of universal currency (*κοινὸν Ἑλληνικὸν νόμισμα*), for the uses of persons travelling in foreign parts, and the carrying on of war [479]. This is not mere theory, but was actually put into practice in Sparta [480]. Even in the time of the Trojan war, the precious metals were well known in the Peloponnese, and the Achaic Spartan Menelaus is particularly mentioned to have possessed both gold and silver; but the former remained scarce for a long time [481]; whereas silver in the Grecian, as well as in all other

[478] See book II. 24.

[479] De Leg. V. p. 742. A.

[480] In the following account I differ somewhat from Manso (Sparta I. 1. p. 162.): I leave to the reader to decide which of us is the most correct.

[481] See book I. 3.

nations, must have been the most general medium of exchange, as there were few places in which it could not be procured; in the more early times however it was not coined, but circulated in bars of a certain weight. But the Dorians, a people inhabiting a mountainous district, and carrying on no trade, were doubtless scantily supplied with the precious metals; and since it was a national principle, which existed both by usage and institution, and was afterwards confirmed by what is called the legislation of Lycurgus, to prevent as much as possible all intercourse with other tribes, they strictly prohibited, at a time long previous to the coining of money, the use of silver and gold as a medium of exchange, and thus effectually prevented their introduction into the country. If this regulation had not been made in early times, the interdiction of silver and gold could not have been ascribed to Lycurgus; no modern institution would have been attributed to so ancient a name. The Spartans therefore were driven to the use of some other metal as the common medium of exchange, and iron being abundantly obtained in the country, they made use of bars of that metal (ὀβελοὶ, ὀβελίσκοι), which was stamped with some mark in the iron furnaces of Laconia; while in other countries bars of copper[482] or silver were current; whence the obolus or *spit*, and the drachma or *handful*, received their names. When afterwards Pheidon abolished the use of metallic bars[483], and introduced coined money, the Spartans also began to stamp their iron in large and rude pieces; for which purpose they either used, as the author

[482] Plutarch. Lysand. 17. Concerning the words obolus and drachma see the passages quoted in book I. 15.

[483] Cf. Etymol. in v. ὀβελίσκος.

of the Eryxias asserts, lumps of this metal, which were useless for other purposes, such perhaps as are now used for making cannon balls, or, according to other accounts, they softened the best iron, so as to render it unfit for working, by cooling it when hot in vinegar. But when Sparta began to aim at foreign dominion, it had need of a coinage that should be current abroad, for which purpose it imposed tributes upon the inhabitants of the islands, and demanded a contribution of a tenth from all the Greeks: a large quantity of the precious metals was also brought into the country by Lysander; and, as we learn from the first Alcibiades of Plato, the wealthy possessed much gold and silver, for when once imported it was never suffered to leave the country. But at this very time the prohibition of all private use of the precious metals was re-enacted, and the possession of gold or silver made a capital crime, the government remaining by law the exclusive possessor, as in the ideal State of Plato; a sufficient proof that this was an extremely ancient custom of the Spartans[484]; although it again fell into disuse in the times which immediately succeeded, it being found impossible to maintain so unnatural a prohibition after the advantages of gold had been once made known to the people. In this instance therefore the iron-money was founded upon ancient usage and moral views. The iron-money of the Byzantians was of a totally different character, and was similar to the money of the Clazomenians, with this dif-

[484] The whole of this may be seen by comparing the following passages, Plutarch. Lysand. 17. Lacon. Apophthegm. Lycurg. 9, 30. Polyb. VI. 49. Pollux VII. 105. IX. 79. Xenoph. Rep. Laced. 7. Porphyr. de Abstin. III. p. 350. Eryxias 24. cf. Salmas. Usur. p. 320.

ference that it was not also a certificate of debt. Byzantium, notwithstanding its favourable situation for commerce and the fertility of its territory, was for the most part in unprosperous circumstances. The Persian, and afterwards the Peloponnesian war, as well as the wars of Philip, shattered its power and resources; it was engaged in continual warfare with the neighbouring barbarians, and was unable to keep them off either by resistance or tributes; and to crown the other evils of war, they suffered this additional torment, that after having by much trouble and expence obtained an abundant harvest, the enemies either destroyed or carried off the produce of their labour; until in Olymp. 125. 2. they agreed to pay the Gauls a yearly tribute of 3000, 5000, and 10,000 pieces of gold, and at last the large sum of eighty talents, on condition that their lands should not be ravaged [485]. This annoyance compelled them to have resource to many extraordinary measures for procuring money, and finally, to the imposition of the transit-duties, which in Olymp. 141. 1. involved Byzantium in the war with Rhodes.

Among the means resorted to in early times for relieving the financial distresses of the State, was the introduction of iron-money for the home-circulation, that the silver might be used for foreign trade and the purposes of war [486]. It was current in the times of the Peloponnesian war, and bore the Doric name Sidareos, as the small copper coin of the Athenians was called Chalcus [487]. As

[485] Polyb. IV. 45, 46. Cf. Liv. XXXVIII. 16. Herodian. III. 2. and others concerning the fertility of the country and its favourable situation.

[486] See Heyne Byzant. p. 11. whose opinion is nearly the same.

[487] Aristoph. Nub. 250. Plat. Comic. ap. Schol. Aristoph. ubi sup. Strattis ap. Poll. IX. 78.

it is stated that it was light and worthless [488], it appears to have been only a plate of iron stamped or pressed in upon one side. The Greeks were acquainted with no other kinds of money but the metallic. There is no necessity for entering into a refutation of the writers [489] who mention the leather money of the Lacedæmonians, a fable which we must at once reject; without attempting to remove the testimonies of ancient writers by incorrect alterations [490]. The same may be said of the leather-money in use among the Romans prior to the reign of Numa: Carthage however made use of a token of this description, as we find that some unknown substance of the size of a stater, enveloped in leather and marked with the public seal, supplied the place of metal [491].

(20.) The sacred property was held in much respect by the Grecian republics; and although some instances occur in which they seized the possessions of foreign temples, as was done by the Phocians and also the Arcadians in Olympia [492], yet in these cases offence was given not only to the Greeks in general, but even to many of their own fellow citizens. The Athenians indeed borrowed money from the temples, and Pericles counselled them even to

[488] Λεπτὸν, ἐλάχιστον πάντων καὶ φαυλότατον, Schol. Aristoph. ubi sup. Pollux ubi sup. (cf. VII. 105.) Hesych. in v. σιδάρεοι. The word ἐλάχιστον does not mean smallness of size, but of value, according to an Attic idiom already remarked by other writers. This iron coin also occurs in Aristid. Plat. Orat. II. p. 241. vol. III. ed. Cant.

[489] See the passages quoted by Fischer ad Eryx. ubi sup.

[490] Which is the method adopted by Salmasius with a passage in Pliny. Usur. p. 464 sqq.

[491] Concerning which see Salmasius ut sup. p. 363 sqq.

[492] Xenoph. Hell. VII. 4. 33 sqq.

remove the golden ornaments of the statue of Minerva, pledging themselves at the same time to replace what they took [493]: none indeed but the tyrants, such as Dionysius, Lachares, and others, who hesitated not to commit any kind of sacrilege, ever ventured to plunder the property of the temples. But although it may be true that the Greeks, until the period of their final decline, were upon the whole a religious people, yet the confiscation of sacred property is of Grecian origin. Tachus, upon the advice of Chabrias, acquainted the Egyptian priests, that on account of the impoverished situation of the country, it was necessary that some of their offices should be abolished. Upon which communication (every priest being unwilling that his own situation should be suppressed), they readily furnished him with considerable sums of money, which however he exacted not from particular individuals but from their whole number, and allowed all their offices to remain as before; he then limited their expences to a tenth of the former amount, and required the other nine-tenths as a loan until the conclusion of the war; while at the same time by the advice also of Chabrias, he imposed a tax upon houses, a poll tax, a tax upon corn, viz. of two oboli upon each artabe of corn sold, one to be paid by the seller, the other by the buyer, and an income tax of ten per cent upon the captains of vessels, the possessors of workshops, and all other persons engaged in trade [494]. Also Cleomenes, the satrap of Alexander, threatened the Egyptians with diminishing the number of the priests, and, as was the case with Tachus, obtained large contributions from them, each one wishing to retain his station [495]. Another favourite

[493] Thucyd. II. 13.
[494] Aristot. Œcon. II. 2. 25.
[495] Ibid. 33.

measure in pecuniary difficulties, and one well known to the Athenians, was the appropriation on the part of the State of a monopoly of certain commodities, of which I have already spoken in the first book [496]. The measure of the tyrant Hippias had an appearance of justice, when in order to raise money he ordered those portions of the houses to be sold, which projected into and over the public street, upon the plea that the street was public property and ought not to be overbuilt: the possessors then repurchased their own property, by which he raised a considerable sum [497]. The same method was adopted in after-times by the Assembly with the same object and consequence upon the counsel of Iphicrates [498]. Another unjust measure was introduced by the same Hippias, who for a moderate sum liberated any citizen from the Trierarchy, Choregia, and other liturgies, which then pressed heavily upon the other contributors [499]. The Byzantines [500] in some financial difficulty sold the unproductive lands of the State (by which we are to understand uncultivated and wooded land) in perpetuity, and the productive land for a term of years, so that in the latter case they in fact only received in advance the rent which would have been annually owing: the same course was pursued with the property of

[496] See chap. 9.

[497] Arist. Œcon. II. 2. 4.

[498] Polyæn. III. 9. 30.

[499] Aristot. Œcon. ubi sup.

[500] See Aristot. Œcon. II. 2. 3. τεμένη δημόσια are public lands which were not connected with temples, otherwise they would be ὅσια. In every thing else I have followed the text of Schneider, except that I place a stop after ἁλατοπωλίαν, and omit δὲ after τρίτον. There are however probably other false readings in the passage, so that the account given in the text cannot be relied upon as certain.

sacred corporations and the Phratrias (θιασωτικὰ καὶ πατρι-ωτικὰ), particularly with that which was surrounded by the estates of private individuals, since the proprietors of these would naturally give a high price for lands thus situated; as a compensation for which a portion of the public lands in the Gymnasium, the market, and harbour, the places of sale, the sea-fishery, and the sale of salt, were allotted to these corporations. It was also resolved to impose a tax upon jugglers, fortune tellers, &c. amounting to a third part of their gains; the money-changing business, which, if the iron coin was in existence, must have been of considerable importance, was let in farm to a single bank; and it was prohibited to buy money from or sell it to any other bank upon the penalty of forfeiting the amount. The rights of citizenship were also sold for money; for whereas the law required that a citizen should be of pure descent both on the father's and the mother's side, they were granted to those who were only descended from citizens on one side, upon the payment of thirty minas. Also several resident aliens had lent money upon mortgage, and as the law stood they were unable to take possession of the lands thus pledged, upon which the State granted them the right of holding landed property, on condition that they paid to the State a third part of the principal. In a scarcity of corn they kept back the ships coming out of the Pontus, and when the merchants began at last to complain that they had been detained for the sole purpose of selling corn to the Byzantines, a compensation of ten per cent was allowed to them, which was paid by imposing upon sales a tax of equal amount [501].

[501] This is the meaning of the account, which Salmasius M. U. p. 219. so far as he proceeds upon his own interpretation, has completely misunderstood.

(21.) The defects in the Athenian system of finance were not unperceived by the acute observers of antiquity; its most striking peculiarity was that the revenue was derived chiefly from foreign contributions: the managers of public affairs were well aware of the injustice committed against the allies, but they conceived that it was rendered necessary by the poverty of the Athenian people[502]. It was with this view that Xenophon wrote his Essay on the Revenues, or the Sources of National Prosperity (περὶ πόρων), about the close of his life, probably in Olymp. 106. 1, after his sentence of exile had been reversed at the instigation of Eubulus; and it is even possible that he wrote it to serve the cause of Eubulus, as it exactly coincides with his known opinions, his desire of peace, and love for the Theorica, as well as his attention to the welfare of the people, by which he obtained so great popularity[503]. He

[502] Xenoph. de Vectig. init.

[503] That this short treatise was written for Eubulus was first remarked by Schneider p. 151. with great probability, who has sufficiently disproved the date assigned to it by Weiske (Olymp. 89. 3.) both in the discussion p. 139 sqq. and in the notes. Some observations which I had made in writing with regard to the date of this treatise before the appearance of Schneider's edition mostly agree with the enquiries of this editor, but as there are some discrepancies between us I will shortly explain my notion. It is evident from 2. 7. and 6. 1. that Xenophon had returned from banishment, nor should Schneider (ad 4. 43.) have allowed himself to be misled by Weiske into the idea that this treatise was written in Scillus or Corinth, from the circumstance of Thoricus being placed to the north, and Anaphlystus to the south, which might have been as well said in Athens as in the Peloponnese; concerning this point however I may defer any detailed examination until another place. We do not indeed know the time of his recal, nor how long he remained at Athens,

begins with considering whether it could not be possible for the Athenians to obtain sufficient subsistence from

for he is said to have died at Corinth; but it appears to me that Eubulus could not have had any influence before Olymp. 102. or 103. or even later still. The following events are mentioned in the course of the treatise, which took place after the 100th Olympiad: the voluntary election of Athens to the supreme command by sea (5, 6.) the voluntary recognition of the Athenian ascendancy over Thebes on the part of the Thebans themselves (5. 7.) after the latter had received benefits from Athens; both these events took place in Olymp. 100. $\frac{3}{4}$. (see book III. 17. concerning both; Schneider p. 173. states it differently), Sparta having been supported by Athens allows the latter to maintain its ascendancy as it chooses (5. 7.), viz. in Olymp. 102. 4. (Xenoph. Hell. VII. 1. Diod. XV. 67. cf. Schneider, p. 174.) when Athens had supported the Spartans against the superior force of Epaminondas. Athens assists the Arcadians under the Athenian general Lysistratus, who does not occur elsewhere (3, 7.), an event which cannot have happened before the alliance concluded in Olymp. 103. 3. (cf. Xenoph. Hell. VII. 4. 2 sqq. Diod. XV. 77. Schneider, p. 150.) also the expeditions under Agesilaus who commanded in the battle of Mantinea (Diogenes Laert. in Vit. Xenoph. Schneider, p. 150.) in Olymp. 104. 2. for the expedition against Plutarch in Eubœa, on which occasion Agesilaus was condemned to death, is not here meant, nor did it take place as Schneider (p. 138. p. 150.) supposes in Olymp. 105. 3. but in Olymp. 106. 4. (see book IV. 13.) the confusion prevalent in Greece (5. 8.) he correctly places (p. 174.) after the battle of Mantinea. Immediately before the composition of this writing a war took place, and a peace was concluded, by means of which quiet was established by sea (4, 40. 5, 12. which latter passage has no reference to the duration of the war by land; it is only to be understood of the ill consequences of the past war): therefore the peace which followed the battle of Mantinea (Olymp. 104. 2.) cannot be here intended. It would be better to understand that with Philip in Olymp. 105. 2. (Diod. XVI. 4.); it appears to me

their own country; for which purpose, he observes, the land is excellent, the climate mild, the soil capable of

however most probable that the peace which terminated the Social war in Olymp. 106. 1. is meant, as this was the war which had such a disastrous effect upon the finances of Athens (see book III. 19.) and by this Peace the security of the sea was restored; both facts agree particularly well with 5. 12. According to my idea then, the treatise was written in this year; and at the same time Isocrates laboured to attain the same object as Xenophon in his oration περὶ Εἰρήνης, and also makes similar complaints of the diminution of the revenue: and moreover the object of the whole treatise being to improve the situation of the Athenians without oppressing the allies agrees exactly with this period of impoverishment, and with the peace between the Athenians and their allies; and finally, since Schneider (ad Xenoph. Hell. p. X.) has proved that Xenophon was living in Olymp. 105. 4. it is only necessary to lengthen his life by one year. On the other hand, Schulz (de Cyrop. Epilog. p. 27.) and after him Schneider (p. 139 sq. p. 174 sq.) propose to refer this treatise to so late a date as Olymp. 106. 2. upon the idea that the Phocean war is mentioned in it; the contrary opinion however appears to me to be nearer the truth. The passage in question (5. 9.) is as follows. "If the Athenians, without being parties to any war, would, by sending ambassadors to the different States of Greece, use their influence to make the temple of Delphi independent, as before, they would have all the Greeks on their side against those who had endeavoured to seize the temple after the Phoceans had quitted it (ἐκλιπόντων τῶν Φωκέων)." The Phoceans had taken the temple at Delphi in Olymp. 106. 2, and since they remained in possession of it during the whole of the Sacred war, the plundering of the temple was gradually completed, and they retained it until the termination of the war in Olymp. 108. 3. which may be seen from Diod. XVI. 23—59. cf. Demosth. de Fals. Leg. p. 356. 17. Now since Xenophon cannot have written this passage after Olymp. 108. 3. it must refer to some period antecedent to Olymp. 106. 2. for it is expressly

yielding the best products; and those districts which do not produce corn, are made infinitely richer by the presence of

stated that the Phoceans had quitted the temple, and even if any one were to object that ἐκλιπόντων means, *they had become effeminate, they had degenerated*, the result remains the same. But it may be asked, why are the Phoceans mentioned in this place? The state of the case appears to be as follows. The temple of Delphi was according to the agreement of the Greeks an independent sacred possession, the chief management of which was exclusively vested in the council of Amphictyons and the sacred assembly at Delphi; but the Phoceans were always putting in claims for the direction of this temple which they affirmed to belong to them, and that they had even once been in possession of it (Diod. XVI. 23.), an assertion which they also strengthened with the authority of Homer (Il. B. 518.); and these claims were according to Diodorus again brought forward, when they were assisted by the countenance of the Spartans (Diod. XVI. 29.). In the time of Cimon the Lacedæmonians had given the temple to the Delphians, that is to say, had made it independent; but Athens immediately afterwards transferred it to the Phoceans (Thucyd. I. 112.). In the peace of Nicias (Olymp. 89. 3.) independence, a native jurisdiction, and freedom from all foreign tribute were secured by treaty to the sacred property of Delphi, the temple of Apollo, and the city together with the territory belonging to it (Thucyd. V. 18.), as in the preceding armistice the free use of the temple and the oracle had been guaranteed, and assistance against sacrilege had been promised to the Delphians (Thucyd. IV. 118.); with regard to the first article of this armistice, Sparta particularly invited Bœotia and Phocis to accede to it. The Phocians however may have frequently repealed their claims until they at last ceased, as it is stated by Xenophon. In Olymp. 106. before the renewal of this assembly the Thebans played the chief part in the council of the Amphictyons; by their means the Spartans were condemned to the enormous fine of 500 talents, and afterwards to double that amount (Diod. XVI. 23, 29.). Thebes at that

mineral treasures; the sea is also productive, and Attica is most favourably situated for commerce both by sea and land; and is moreover by her remoteness from barbarian nations relieved from any apprehension of an injury which had been felt by most other States.

Having thus gone through the natural advantages of Athens, he next proposes some plans for improving the general welfare of the country, and creating revenues by which the needy citizens might be maintained; proposals which are neither remarkable for their acuteness or depth, nor capable of being put into practice with advantage, however benevolent and praiseworthy the motives may have been from which they proceeded. The first [504] refers to the resident aliens; these, he says, maintain themselves without receiving any thing from the State, and also pay a protection-money; in his opinion the best of all revenues. For these reasons it is fit that they should receive some farther encouragement: to which end it would be sufficient to relieve them from some degrading Liturgies, that were of no advantage to the community, and from serving as Hoplitæ; for the State would be more benefitted if the armies were composed of citizens, than if they were mixed with Lydians, Phrygians, Syrians, and other Barbarians;

period was still the predominant power, whence Sparta and Athens combined against her, and from their hatred towards Thebes took the side of the Phocians. It is therefore more than probable, particularly since Xenophon speaks so briefly and obscurely of the transaction, that it was the Thebans who had endeavoured to obtain possession of the temple, and this before Olymp. 106. 2. Of the claims of the Phocians renewed in this year, and asserted with violence, the author was entirely ignorant.

[504] Cap. 2.

and again, it would be honourable to the Athenians to rely in battle rather upon themselves than upon foreigners. He also proposes to grant to those who on application should appear worthy, permission to build houses, in order to cover the empty spaces within the walls; also that protectors of resident aliens (μετοικοφύλακες) should be appointed, and rewards given to those who brought more persons of this class into the city; which would have the double effect of increasing the good-will of those aliens actually resident, and of bringing all refugees under the protection of Athens. This appears to the Germans in nearly the same light as if a person before the admission of the Jews to the rights of citizenship had spoken to us in the following manner: "The Jews under the protection of the State are useful inhabitants, for they pay protection-money, provide their own maintenance, and receive no salaries from the State; it is therefore expedient that their number should be increased, and that they should be encouraged, by relieving them from all degrading duties, as well as from military service; for it is better that the Germans should go into the field alone, than in company with the Jews; and it would be to the honour of the Germans to trust in war rather to themselves than to others. It is also expedient that they should be admitted to the rank of Knights, and confer on them the right of holding landed property. Protectors of the Jews should also be appointed; and all persons who are instrumental in bringing Jews into the country should be amply rewarded: by these means the native Jews will be better disposed towards the State, and all Jews residing in foreign parts will be eager to place themselves under the protection of the Germans." If the Athenians followed the counsels of Xenophon, the prosperity of Athens would

have been in imminent danger of being destroyed by internal causes. The citizens would in that case have singly carried on a perpetual war, and have been swept away in battle; while the resident aliens passed their life in security: and although the latter might have borne some share in the dangers of war, would not all the noble families have gradually become extinct? The citizens would have been compelled to give up their occupations, and submit to an entire loss of property, while the resident aliens, having obtained possession of all commerce, all industry, and at last of the land, would have become sole proprietors of all wealth at the expence of the Athenians, as has been frequently the case, and still is daily happening, with the Jews, who in almost every respect bear an analogy to the Lydians, Phrygians, and Syrians of Xenophon. They would also have received the rights of citizenship in greater numbers than was actually the case, and the State thus have suffered the severest injury. Nothing contributed more to the destruction of Athens, than the gradual extinction of the ancient and powerful family of the Cecropidæ; and a foreign race, enriched by banking and other usurious practices, destitute of all noble motives, and bent only upon momentary gain, forced themselves into the rights of citizenship, and the administration of the State. If the Athenians had deliberately sanctioned this course of policy, they must either have been beyond measure philanthropic and benevolent, or been willing to sacrifice their real prosperity for the purchase of a trifling benefit. A comparatively large number of resident aliens may indeed have been advantageous for commerce, for industry, and the public revenue; but higher considerations of policy could not permit that they should be favoured in the degree proposed by Xenophon.

The unquestionable advantages, he proceeds to say, which Athens possessed for commerce[505], arose not only from its favourable situation, its magnificent and commodious harbours, but also from the excellency of its coin, which could always be exchanged with profit; so that the merchants of Attica, instead of being, like the traders of other places, obliged to export commodities for the purpose of barter, had the option of carrying out money. The first suggestions that our author makes for the improvement of trade are, that prizes should be appointed for the commercial court, to be awarded to whichever member should give judgment with the greatest rapidity and fairness: the object of this proposal was afterwards effectually gained by the introduction of the monthly suits[506]: also that particular honours should be given to the merchants and the masters of vessels, in order that with the increased number which these distinctions would attract, the amount of the exports and imports, of the sales, of the wages of labour, and the public duties, might be augmented[k]. Our author also recommends a particular plan, which required a contribution of money, from a conviction

[505] Xenoph. chap. 3.

[506] See book I. 9.

[k] [The sentence in the original is, δῆλον ὅτι τοσούτῳ ἂν πλεῖον καὶ εἰσάγοιτο καὶ ἐξάγοιτο καὶ ἐκπέμποιτο καὶ πωλοῖτο καὶ μισθοφοροῖτο καὶ τελεσφοροίη. The last editor, Dindorf, proposes to expunge the words καὶ ἐξάγοιτο, comparing I. 7. προσάγεται δὲ ὧν δεῖται καὶ ἀποπέμπεται ἃ βούλεται. Thus also Aristotle Polit. I. 3. ξενικωτέρας γὰρ γιγνομένης τῆς βοηθείας τῷ εἰσάγεσθαι ὧν ἐνδεεῖς καὶ ἐκπέμπειν ὧν ἐπλεόναζον, ἐξ ἀνάγκης ἡ τοῦ νομίσματος ἐπορίσθη χρῆσις. And again VII. 6. τὰ πλεοναζοντα τῶν γιγνομένων ἐκπέμψασθαι. VII. 12. τοῖς ἀπὸ τῆς θαλάσσης πεμπομένοις. Thucyd. IV. 26. ἐσπέμπειν τὰ σιτία. IV. 30. σῖτον ἐσπέμπειν.]

that the Athenians, who had been so often taxed for the maintenance of fleets and armies, and had expended large sums without any sure prospect of benefit resulting to the State, and with a certainty of never recovering their money, would willingly contribute to this undertaking. He proposes to build public inns and warehouses, in addition to those already in existence, for the entertainment of captains of vessels and merchants, as well as some conveniently situated market-houses; and to purchase some public trading-vessels, which, like other property belonging to the State, were to be let out for hire upon the production of sufficient security. The author supposes that the profit upon this speculation would amount to three oboli a day; so that the subscribers would obtain a very high per-centage upon their shares: a subscriber of ten minas would receive nearly twenty per-cent (ναυτικὸν σχεδὸν ἐπίπεμπτον), exactly 180 drachmas for 360 days; and of five minas more than the third part of the principal (ἐπίτριτον ναυτικόν). The larger number however would receive annually more than their original contributions; for example, subscribers of one mina nearly double that sum, and this in their native country, which appears to be of all others the safest and most desirable method of investment. Foreigners also might be expected to contribute, if in return for their contributions they were registered among the eternal benefactors of the Athenians, an honour of which some kings, and tyrants, and satraps, might wish to partake. In all this exposition there is nothing obscure, but nearly the whole is without any foundation in reality. Xenophon supposes unequal contributions, according to the different amount of property, agreeably to the principles of a property-tax, but an equal distribution of the receipts for the purpose of favouring

and aiding the poor; the reason which induced him to fix upon the rate of three oboli, appears to have been that this sum was just sufficient for the most scanty subsistence; the common daily wages were likewise three oboli, as were also the salaries, for example, the pay of the Judges and the Assembly; but the payment of the wages of the Dicasts is no more in question than the wages of sailors; what Xenophon is speaking of is an income annually arising upon each share, either equal to or exceeding the interest in bottomry [507]. Where however was the security that the undertaking would produce three oboli a day to each

[507] Salmasius M. U. chap. 1. falls into innumerable errors, by considering the Triobolon to be the pay of the Dicasts, from which however he excludes the Pentacosiomedimni and the Thetes (the latter of whom were the very persons who had the chief share in it); but, not to mention that to allow of this interpretation it must have been τὸ τριώβολον, the whole explanation is so senseless, that it is unintelligible how a rational being could have hit upon it. Of a part of this confused investigation, Heraldus, his victorious adversary, justly says (Animadv. in Salm. Observ. III. 15. 17.), "*Somnium est hominis harum rerum, etiam quum vigilat, nihil scientis.*" Heraldus (ibid. II. 20. 2.) refutes the absurdities of Salmasius, but understands it just as absurdly himself to mean the pay of the seamen (§. 3.), and considers ναυτικὸν to mean *salarium nauticum* (§. 4.), whereas it is evidently to be taken, with Salmasius, for money lent upon sea security, which Schneider has also observed against Weiske. Who would agree to give a sum of money, exceeding indeed that contributed by others, in order to receive a share in a salary given for labour on board a vessel, without any distinction being made as to the different amount of the deposit, and this only three paltry oboli, which he might have had without contributing any thing? It is however hardly worth the trouble to waste a word upon it.

subscriber? This most essential point is entirely wanting to these airy speculations of the Athenian philosopher.

The most important and explicit part of this short Treatise is the chapter upon the silver-mines[508]. According to Xenophon, the Athenian mines were inexhaustible: "they have," he says, "been worked from time immemorial, and yet to how small a portion of the hill in which the metal is found have the works already extended? nor is the place which contains the silver narrowed by the farther progress of the mining, but is evidently increased as more of the soil is exposed. Even at the time when the number of persons labouring there was at the highest, there was enough and more than enough employment for all. And at the present time no proprietor of slaves in the mines reduces their number, but on the contrary keeps increasing it to the utmost of his power. The value of silver," he proceeds to say, "is not diminished by an increase in the quantity, for the uses to which it can be applied are manifold, and no one is satisfied with the amount which he actually possesses. Gold," he allows, "is equally useful with silver; this however I know," he says, "that when it appears in large quantities, it becomes itself cheaper, and makes silver dearer. Now although the State sees that many private individuals grow rich by their mines, who by hiring out the slaves working in them obtain a net profit of an obolus a day for each slave, it does not imitate their example: it might however secure a permanent revenue, by purchasing public slaves, until there were three to each Athenian (that is, about 60,000); and by letting these, like all other public property, upon proper security. In this proceeding there would be no danger

[508] Chap. 4.

of loss; for if the slaves were marked with the public seal, it would not be easy to steal them: nor would the State be injured by the competition of other slave-proprietors." He then proposes first to purchase 1200; "from the profits arising from these the number might in five or six years be raised to 6000[509], which would produce an annual income of sixty talents; of this sum, twenty talents might be applied to the purchase of fresh slaves, and forty used for other expences. When the number shall have been brought to 10,000, the income will be an hundred talents; but that it would be possible to procure and maintain a number far greater than this, is proved by what happened before the war of Decelea. It might also," he then suggests, "be advisable to undertake new works, in which there would be some hazard of loss, from the various success experienced in searching for ore; as this uncertainty deterred many private individuals from purchasing new mines from the State." In order therefore that the danger might not fall upon single persons, he proposes to give an equal number of slaves to the ten tribes; that each tribe should open new mines, and that they should bear the good or ill success in common; and former experience did not justify the expectation that all the trials would be unsuccessful. He also observes, that it would be safer for private persons to form associations of this kind; an arrangement which was subsequently adopted. Now it was impossible that all these proposals should attain their object. In the first place, it is inconceivable that, in addition to the private slaves, 60,000 public slaves could have continued for any length of time to work the mines with profit, but either the State or individuals must soon

[509] See above book I. 13.

have been losers. That Xenophon's account of the inexhaustibility of these mines was a mere delusion, has been proved by subsequent experience; not to mention that in bad seasons the dearness of corn, joined to the imperfection of the smelting processes known to the ancients, would have precluded any profitable employment of capital in this business: and in fact many proprietors did cease working, and the mining was at length discontinued [510]. The author then properly remarks, that it would not be prudent to attempt all these schemes at the same time, both from the large amount of contributions requisite, and the necessary result of purchasing any considerable number of slaves, viz. that their quality would be bad and price high. Whereas, if they were tried in succession, the profit derived from one undertaking might be applied to the execution of another. "But," he proceeds to say, "if it should be supposed that on account of the property-taxes raised in the preceding war, it would be impossible to obtain any contributions from private individuals, the expences of the administration for the coming year might be defrayed from the smaller revenues, as had been done in the last war, and the surplus which would be created by peace, the encouragement shewn to the resident aliens, and the improvements in trade, might be applied to these undertakings. Nor would the arrangements proposed be useless in case of war; for by reason of the increased population, the State would be enabled to augment the number of sailors and soldiers: the mines again, being already protected by fortresses, might be easily put in a state of greater security; and partly on account of their situation,

[510] The proofs of all these assertions may be seen in my Dissertation upon the Mines of Laurium.

partly from the difficulty which an enemy would find in obtaining provisions there, and his inability to profit by the ore, they would be but little exposed to attack. Lastly, the State would not only derive a greater revenue from the slaves, but with the increased numbers of those dwelling near the mines, a large income would be obtained from the market, from the public buildings, and several other sources; and the land in their neighbourhood might acquire as great a value as that around the city; and not only this, but the citizens would be made more tractable, regular, and warlike, by the increase of the public prosperity, as they would receive daily wages for exercising in the Gymnasia, for garrison-duty, military service, &c."

Among all his schemes and recommendations, the exhortation to peace[511] is the only one which is entirely unobjectionable; it is not however peculiar to him, for the same proposal was made by Isocrates at the same period, and is perpetually inculcated by the Orators, who sometimes repeat it at very unseasonable moments. "The prosperity of Athens will," in his opinion, "be thus raised above that of any other State; for," he continues, "would not ship-captains and merchants flock thither? where would those who are rich in the various products of the earth, together with all who are able to gain their livelihood either by talents or money, handicraftsmen, and sophists, and philosophers, poets, and those who minister to the productions of poetry, with all who are desirous to hear or to see the spectacles and splendour of Athens, both sacred and profane, as well as persons whose object it is to buy and sell with despatch—where would all these obtain their

[511] Chap. 5.

several ends so well as at Athens? The ascendancy or empire over the Greeks would be more easily obtained by mildness and peace, than by wars and violence. In war not only are several branches of revenue deficient, but all the money paid into the treasury is consumed in defraying the expences of it. And," he urges, "it may be seen that the revenue has always fallen off in time of war, and that the whole receipts were immediately consumed. And if any one were to ask me," he says, "whether, if another nation commits an injury against the State, I should dissuade any revenge of the wrong, my answer would be no: but I must remind you, that it would be far more easy to punish the offenders, if we have committed no injury ourselves; for in that case they would have no ally. If these proposals are put in practice," he continues to say, "we shall obtain the good will of the Greeks, an increase of security, and a more lasting fame; the people will be well supplied with food, the rich be relieved from the expences of war; from the abundance and plenty that would exist, the festivals will be celebrated with greater splendour, the temples will be restored, the walls and docks repaired, and the priests, the Senate, and public officers, and Knights, receive their former dues. If these proposals should meet with the public approbation, I would counsel you," he says, "to send messengers to Delphi and Dodona, and consult the gods as to the expediency of these plans: for if they are done with the favour of the divinity, it is to be expected that the measures of the State will always have a fortunate issue." This pious conclusion reconciles the reader with his author, notwithstanding the many weak points in the work itself;

at the same time it is hardly possible to forgive him for not advising the Athenians to be more sparing in their festivals, instead of which he flatters them with the prospect of increasing the expence and magnificence. This wish however proceeds from the most sincere conviction and earnestness; Xenophon's own disposition ran counter to the inclinations of his patron, and the pernicious habits of the Athenian people.

(22.) If we now take a general survey of the financial system of Athens, which more or less resembled that established in all the other Grecian republics, with the exception of Crete and Sparta; we shall perceive that in many parts it was both planned and executed with acuteness and judgment: and that even its imperfections were so blended with its excellences, that by their removal, liberty, the source of all public virtue, would have been endangered. Although the Greeks were neither poor nor indifferent to riches, the quantity of the precious metals in circulation was proportionally far less than in the European states of later times. Much therefore was effected with little money; and as property returned high profits, individuals could contribute largely to the State without infringing upon their capital. Moreover the financial system of the Athenians was in itself simple; their views seldom reached beyond the service of the current year, unless indeed the command of some extraordinary resources, such for example as the tributes, led to the adoption of an extended plan of operations. To peculation and the embezzlement of money they were frequently indifferent; and from ignorance of the limited extent of their resources, they incurred great expences; and soon became involved in difficulties. The numbers of the popular assembly embarrassed their statesmen in the ma-

nagement of public affairs, and prevented the execution of prompt or decisive measures. A large portion of the public money was through piety devoted to the worship of the gods; much of it also was expended upon monuments which will form a lasting record of their elevated thoughts, their heroic deeds, as well as of their consummate knowledge of the arts. But though they executed the most splendid works which have ever been conceived by the mind of man, their resources could not be altogether applied to such noble objects: the craving wants of the lower order of their citizens also required to be satisfied; who by salaries and donations in time of peace had become accustomed to indolence, and to the idea that the State was bound to maintain them; and as by these means the lowest persons were placed sufficiently at their ease to attend to the administration of the State, the influence of the democracy was insensibly extended. Their statesmen were always endeavouring to discover some method by which the mass of the people might be enriched and supported out of the public revenues, rather than by individual industry and prudence; as the commonweal was considered as a private possession to be enjoyed in common, the proceeds of which were to be distributed among the members who composed the State. And yet it would appear that donations and salaries are no where less necessary than for States in which slavery is established. The degradation of the greater part of the inhabitants enables those who are free to obtain their subsistence by the labour of the slaves; and it is thus that they have sufficient leisure to attend to affairs of State; whereas in countries in which slavery does not exist, the citizens having to labour for their subsistence are less able to employ themselves in the business of government. Plato therefore, in

his sketch of a perfect state, proposed that the governing class should be maintained at the public cost. The pay of the soldiers, which was early introduced in Athens, is less objectionable; but the expenditure incurred on this as well as on other accounts far exceeded the internal resources of the State. Extravagance at home, the expence of the military operations, and the maladministration in their foreign possessions, gave rise to the oppression of their allies, whose dependant and tributary condition drew down upon the tyrant State the hatred of Greece. In order to maintain her power which was derived from foreign resources, Athens heaped injustice on injustice, and endeavoured by oppression and terror to assert that dominion, which indeed no State in Greece had so just a claim to, and to which she had, as it were, been led and pressed onward by the natural course of events. As however the galling restraints imposed upon the subject States could necessarily endure only for a time; and as a voluntary combination among the Greeks, such as that against the Persians, could never have been permanent, the Athenian State, and with it the rest of Greece, must in the end have been overthrown, even if Philip of Macedon had not risen up against it.

Of the different revenues of the State, the custom-duties were the least oppressive, as having been imposed with suitableness and moderation. On the other hand, the immense fines, although they produced a large income to the State, were a constant inducement to unjust decisions. The power of confiscating property was in the hands of wild and thoughtless demagogues, a dreadful scourge upon the rich and great; particularly if the proceeds were forthwith distributed among the people. The Liturgies, although of great utility, were injurious;

because they were not arranged according to any fair proportion. Patriotism, religion, enthusiasm, and not less than these, ambition, stimulated individuals to make great sacrifices for the State. The three first however gradually became extinct; while the latter, being applied to base instead of to worthy ends, exercised only a pernicious influence.

In the history of the Greeks, we do not wish to undervalue their greatness, or to detract from their noble qualities: we allow that much was better than in modern states, better than in the Roman empire when sunk in corruption; better far than under the oppressive and degrading despotisms of the east: but much also was worse than in our times. It is only a partial or superficial view which discovers nothing but ideal perfection in antiquity. The eulogy of past times, and the unqualified censure of every thing contemporary, are the results frequently of perverted judgment, or perhaps of a narrow and disdainful selfishness, which considers the heroes of antiquity to be the only associates worthy of its own imagined greatness. There are however parts of the Grecian history less brilliant than those which are commonly brought into view. Even in the noblest races of Greece, among which the Athenians must without doubt be reckoned, depravity and moral corruption were prevalent throughout the whole people. Although their free governments, and the small independent communities into which the different nations were divided, may have produced an intense and constant excitement, they were at the same time the causes of innumerable disturbances; and, if we except those exalted minds, which found sufficient support within themselves, we shall in vain search for that abundance of comfort and charity which a purer religion has poured

into the hearts of mankind. The Greeks, with all the perfection of their works of art and the freedom of their governments, were more unhappy than is usually believed; even in the times of their glory, they bore within themselves the seeds of that destruction which was sooner or later destined to befall them. The formation of large States into monarchies, which has limited the sphere of individual action, and given a greater degree of stability to the principles of government, appears to be an essential advance in the condition of the human race; provided that there be also present that energy of individual character, that free and daring spirit, that implacable hatred of oppression and the arbitrary power of rulers, which so distinguished the Greeks. For without these we should in vain hope to escape that destruction in which the States of Greece were ultimately overwhelmed.

A

DISSERTATION

ON THE

SILVER-MINES OF LAURION

IN

ATTICA.

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IF we consider the advantages which Athens derived from the mines of Laurion, a prominent station should undoubtedly be assigned to them among the numerous gifts of nature[1] with which the country of Attica was favoured[2]. The means which they afforded for the profitable employment of capital served at the same time to enrich many private individuals and to maintain large numbers of slaves (who, when occasion required, might be used in manning the fleets)[3]; and the State derived from them an income, which, as being productive of injury to no one, an ancient writer[4] justly considers as the best source of public

[a] From the Memoirs of the Berlin Academy for the years 1814 and 1815, p. 85—140.

[1] Æschylus (Pers. 235.) mentioning the resources of the Greeks, says, ἀργύρου πηγή τις αὐτοῖς ἐστι, θησαυρὸς χθονός.

[2] Cf. Xenoph. de Vectig. 1. 5.

[3] Cf. Xenoph. ut sup. 4. 42.

[4] The author of the Introduction to the second book of the

revenue. If we except the happy situation of the country, the freedom of the constitution, and the mental superiority of the inhabitants, no one circumstance perhaps contributed so much to the prosperity of the State as the possession of these mines. The power of Athens depended on her fleets, her wealth upon foreign commerce. It was the produce of the silver mines which first enabled Themistocles to found the naval force of his country; and nothing so much promoted her trade as the purity of her silver-coin, which, while many other States of Greece circulated a metal current only at home, was every where exchanged with profit[5]. This wise arrangement was doubtless in great measure occasioned by the possession of silver within their own territory.

The mountain, or rather hill, in which the silver-mines were situated, was called Laurion or Laureion, but never Lauron; the mines themselves Laureia or Lauria; and the district Lauriotike[6]. Its height is inconsiderable;

Œconomics falsely attributed to Aristotle, concerning which see the Jena Review, supplementary sheet, 1810, part 10. and Schneider's Preface.

[5] Xenoph. ut sup. 3. 2. Cf. Aristoph. Ran. 730—736. Polyb. XX. 15, 26.

[6] *Λαύριον*, and *Λαύρειον*, both either with or without *ὄρος*, frequently occur, the former in Thucyd. II. 55. where see the commentators, Pausanias I. 1. Schol. Aristoph. Eq. 361. Suidas in v. *γλαυξ ἵπτανται*, Hesychius in v. *γλαῦκις Λαυριωτικαί*, Schol. Æsch. Pers. 237. and Liban. XX.; the latter in Herod. VII. 144. Andoc. de Myster. p. 19, 20. where it is falsely accented *Λαυρεῖον* (a MS. has however in both places I instead of EI). In Thucyd. VI. 91. the reading varies in the manuscripts. The first method of writing this word is confirmed by the derivative *Λαυριωτικὸς*, with a short Iota, in Aristoph. Av. 1106. Plutarch (Nic. 4.) calls the district *Λαυριωτικὴ*, where Reiske incorrectly

Attica is of less elevation from Hymettus down to the coast, so that whenever the mountains of this country are spoken of, Brilessus, Lycabettus, Parnes, Corydallus, Hymettus, Anchesmus, and others are named[7], but never Laurion, although the latter was no less remarkable than any of the others. Hobhouse[8] describes it as a high and abrupt hill, covered with pine-trees and abounding in marble; Stewart also recognized in Legrina and Lagriona near Sunium, the name Laurion, which has also evidently been preserved in the names Lauronoris, Mauronoris, Mauronorise (Λαύριον ὄρος). According to his statement, it is an uneven line of mountains full of exhausted mines and scoriæ, stretching from Porto Raphti to Legrina: and there forming the Promontory called Mauronise: it appears that the highest part, as laid down in the maps, is near the south-west coast; for according to Pausanias in the commencement of his work, this mountain is seen by a person sailing from Sunium to the Piræeus, in the direction of the desert island of Patroclus: but the silver-mines stretched from coast to coast in a line of about sixty stadia from Anaphlystus in the south-west, to Thoricus on the north-east sea[9]. To what distance they reached

proposes to read Λαυρεωτικῆ. Λαύρεια for the mines, occurs in Hesychius, and consequently Λαύρια was also in use, but that Λαῦρον was used for Λαύριον cannot be believed on the credit of the same grammarian (in v. Λαῦρον).

[7] Strabo IX. p. 275. (ed. Casaub. 1587.) Pausan. I. 32. Plin. Hist. Nat. IV. 11. &c.

[8] Travels in Albania &c. vol. I. p. 417. It might be inferred from his account that the silver ore ran into marble; this is however uncertain: the passage in Stuart afterwards referred to is *Ath. Ant.* vol. III. p. XIII. Compare the passage from the *Unedited Antiquities of Attica*, quoted in note 16.

[9] Xenoph. ut sup. 4. 44. In a letter of Francis Vernon, who

downwards to Sunium and upwards to Hymettus, is unknown. In the age of Xenophon, the extent of the mines was continually increased, as new spots abounding in ore were discovered [10]: but to none of the bordering countries, either towards the sea, or towards the main-land, did any veins of silver extend: Attica alone, says Xenophon, had received this gift of heaven [11]. If we may judge from the dense population of the whole country, it seems evident that the particular district of the mines must have been very populous, and necessarily included several villages, which served for the habitation of the labourers: and by these the situation of the mines might perhaps be more accurately ascertained. Laurion itself was indeed neither a harbour, as is stated by Meletius in his Geography, and by Lauremberg in an old map which has now become useless [12]; nor a borough (δῆμος), as Corsini has correctly observed against Meursius and Spon [13]; and the gramma-

had travelled in Greece, translated by Spon from the Philosophical Transactions (Travels vol. IV. p. 301.) the writer observes that he had seen an island between Phalerum and Sunium, called *Phlebes* (φλέβες), where the Athenians once had mines. Lest it should be supposed that a place near Anaphlystus is intended, where the veins ran across to an island, I remark that *La Phlega* (Wheler Travels p. 424.) is meant, which lies farther northwards near Zoster, not far from the harbour of Phalerum, and according to Wheler is the Phaura of Strabo, as the situation shews. It is however more probable that salt was found there than ore.

[10] Ibid. 4. 3.

[11] Ibid. 1. 5.

[12] Melet. Geogr. p. 349. the old edition, Lauremberg *Græcia Antiqua*, p. 23. in Gronovius' *Thes. A. Gr.* vol. IV.

[13] Meursius *de Pop. et Pag.* Spon Travels vol. II. part II. p. 153. Corsini *Fast. Att.* vol. I. p. 248. Even Sigonius, who

rians [14], who call it a place in Attica, probably mean something more than the mountain; for it is very possible that there were public buildings erected in some particular spot, which together with other houses and foundries, composed the town of Laurion. Anaphlystus was one of the chief boroughs; Thoricus was in early times one of the twelve independent towns, and afterwards became a borough, although by Hecatæus and other later writers it is called a town: in Melas' time, however, it was only a name, for, according to the probable conjecture of Chandler, it sank at the same time with the mines. Leroy, in the year 1754, was driven by contrary winds into a port near a place which, according to his account, was still called Thoricus. He describes it as situated in a plain bounded with hills, into which to the south (according to our maps to the south-west) projects a mountain which he recognized as Laurion [15]. Chandler, on the other hand, considers the modern Cerateia (which Meletius calls a village (κώμη), and which, according to Hobhouse, contains about 250 houses), as Thoricus, without however having been upon the spot. Wheler, who suggested another notion, had visited Cerateia, a town which, fifty or sixty years previous to his arrival, before it had been destroyed by Corsairs, had been a considerable place, and had possessed certain

always shews judgment, although he has left many enquiries uncompleted, omitted Laurion in the list of the boroughs.

[14] Suidas and Photius.

[15] Strab. IX. p. 274. Hecatæus ap. Stephan. Byzant. in v. Θορικός, Plin. Hist. Nat. IV. 11. Mela II. 3. IV. 7. Wheler Travels p. 448. Chandler Travels chap. 33. Leroy *Les plus beaux monumens de la Grece*, ed. 2. vol. I. p. 3. Most of the passages upon Thoricus have been collected by Meursius (de Pop. et Pag.); cf. Duker ad Thucyd. VIII. 95.

privileges; but from its situation, this cannot be Thoricus. Spon is entirely mistaken in considering the modern Porto Raphti as the ancient Thoricus. The statement of the modern English writers is undoubtedly true; viz. that the harbour now called Theriko, situated seven miles to the south-east of Cerateia, was the ancient Thoricus; as is now evident since the publication of the remaining part of Stuart's work[16]. The country near that place is mentioned as the particular district of the mines[17]. Æschines, the orator, also mentions an ἐργαστήριον or compartment in the silver-mines of Aulon, which place was so called from its forming a long and narrow valley resembling a channel[18]. A mine situated in Maroneia is mentioned by Demosthenes[19]: the identity of the name of this place with that of the Thracian Maroneia, a colony of the Chians, either arose accidentally, or from the name being carried over from Attica to Chios, and thence being introduced into Thrace; to which supposition the hero Maron, who is celebrated in the Odyssey, and from whom the Thracian town is said to have received its name, does not furnish any well-founded objection. Mines or workshops at Thrasyllus are also mentioned by both the above cited orators. This place received its name from a monument

[16] Spon Travels vol. III. part II. p. 135. Stuart ut sup. Hobhouse Travels vol. I. p. 411, 420. *The unedited Antiquities of Attica, comprising the architectural Remains of Eleusis, Rhamnus, Sunium, and Thoricus,* London 1817. p. 57.

[17] Plin. XXXVII. 5. Schol. Æsch. ut sup.

[18] Æsch. in Timarch. p. 121. Suidas in v. αὐλῶνες, Lex. Seg. p. 206. Αὐλὼν τόπος τῆς Ἀττικῆς καλεῖται, ἐπειδὴ ἐπιμήκης καὶ στενὸς ὡς αὐλῷ ἐοικέναι.

[19] In Pantænet. p. 967. 17. and thence the argument of the same oration, Harpocration, Suidas, Photius, Lex. Seg. p. 279.

of Thrasyllus (as Harpocration informs us), and must have been situated in the district of Maroneia[20]; for in Demosthenes, the mine near Thrasyllus, as may be gathered from the context, is the same with the mine at Maroneia. Lastly, in several maps of Attica, the borough called *Besa* is placed in the district of the mines, nearly in the middle between Thoricus and Anaphlystus[21], the position of the place being fixed upon from the authority of a passage of Xenophon. According to this writer, there were, on both coasts, fortifications at Thoricus and Anaphlystus: and if a third fort were placed upon the highest point of "Besa" the two first would be thus connected, and on the alarm of an hostile attack, every person from the mines would easily be able to take refuge in one of the walled places[22].

[20] Æschines *ut sup.* calls the district ἐπὶ Θρασύλλῳ, Demosthenes *ut sup.* p. 973. 29. ἐπὶ Θρασύλλου; Harpocration however in v. ἐπὶ Θρασύλλῳ reads Θρασύλλῳ in the latter place, although from the interpretation ἐπὶ τῷ Θρασύλλου μνήματι the genitive might seem preferable. Meursius *Lect. Att.* V. 30. accuses Harpocration of confounding the bath of Thrasyllus with this monument; besides this purely arbitrary assumption, he confesses that he has incorrectly referred this place to Amphitrope, to which he was misled by the false derivation of the words in Æschines now long since corrected.

[21] As is laid down in the map by Philip Argelatus in the works of Sigonius vol. V. and in Kitchen's map in Chandler's Travels.

[22] Xenoph. ut sup. 4. 43 sqq. from which I will extract the following words; ἔστι μὲν γὰρ δήπου περὶ τὰ μέταλλα ἐν τῇ πρὸς μεσημβρίαν θαλάττῃ τεῖχος ἐν Ἀναφλύστῳ, ἔστι δὲ ἐν τῇ πρὸς ἄρκτον τεῖχος ἐν Θορικῷ· ἀπέχει δὲ ταῦτα, ἀπ' ἀλλήλων ἀμφὶ τὰ ἑξήκοντα στάδια. εἰ οὖν καὶ ἐν μέσῳ τούτων γένοιτο ἐπὶ τῷ ὑψηλοτάτῳ βήσσης τρίτον ἔρυμα, συνήκοι τ' (not as is commonly read συνήκοιτ') ἂν τὰ ἔργα εἰς ἓν ἐξ ἁπάντων τῶν τειχῶν καὶ εἴτι αἰσθάνοιτο πολεμικὸν, βραχὺ ἂν εἴη ἑκάστῳ

The meaning of this writer is indeed too obscurely expressed to allow of our drawing any sure inference; the reading moreover is not sufficiently certain, and the term Besa is ambiguous: the latter word may either be the proper name of a place, or signify *a low ground covered with bushes;* it is however by no means improbable that the district received the name of Besa from this particular circumstance, and that this borough should be here sought for; besides which the name Besa is, according to Stuart, still in existence. It may be observed, that by the term *fortifications* we are not to understand long walls, but single castles, in which the labourers might take refuge; the connexion, of which Xenophon speaks, was caused by the contiguity of the three places, from which the intervening country might be commanded. The works at Thoricus and Anaphlystus are the fortifications at those places, which on account of their importance as military

εἰς τὸ ἀσφαλὲς ἀποχωρῆσαι. Βήσσης was first edited by Stephanus; if the borough is meant, ἐν Βήσῃ would be the most natural expression; but if only a low hill covered with bushes, it would seem to require the article τῆς βήσσης. Valesius (*ad Harpocrat. in v.* βησσεῖς) is of opinion that the borough is meant. Strabo IX. p. 293. observes that the borough was written Βῆσα and not Βῆσσα, which is confirmed by inscriptions; but there can be no doubt that the appellative was originally written in the same manner, and that the ancient form was retained in the proper name, while in the other word it soon disappeared. Schneider, whose edition of this work of Xenophon did not appear until after the completion of this Essay, has received Βήσης into the text: Chandler and Hobhouse (*ut sup. p.* 420.) also assume that Besa is here mentioned. [The author says in his collection of Greek Inscriptions vol. I. p. 290. "De Besa nunc addenda est eximia Isæi auctoritas de Pyrrhi Hered. p. 27. postquam Bekkerus ex libris restituit verum Βήσαζις." Orat. Att. p. 34.]

posts had been converted into castles. Thoricus had been placed in a state of defence by the Athenians in Olymp. 93. 1. perhaps with a view to the protection of the mines[23]: that Anaphlystus was a fort (τεῖχος) is also observed by Scylax in his Periplus; and as Sunium had been already fortified in Olymp. 91. 4.[24], these places were entirely defended from attacks by sea. Invasions by land, against which Xenophon's new fort was to be erected, were attended with great difficulties; for, according to the remark of this military writer, the enemies' troops would be forced to pass by the city; and if their numbers were small, they would be cut off by the cavalry and guards in the country; while, by coming in large force, they would both expose their own territory, and be unable to maintain their ground from want of provisions: and even if they were masters of the mines, they would derive no more benefit from the silver ore, than from mere stones. In the second year however of the Peloponnesian war (Olymp. 87. $\frac{2}{3}$.) the Spartans and their allies advanced in the district of Paralos as far as Laurion[25]; and although it is not mentioned that they obtained actual possession of the mines, yet the working of them would probably have been suspended, even if the enemy had not advanced so far. At a later period the fortifying and the continued occupation of Decelea by the Spartans, which was maintained by the advice of Alcibiades, deprived the State of the revenues from Laurion[26], as the regular working of the mines must probably have been thus impeded; the slaves too had

[23] Xenoph. Hellen. I. 2. 2.
[24] Thucyd. VIII. 4.
[25] Ibid. II. 55.
[26] Ibid. VI. 91.

eloped, and the connexion with the capital been interrupted by the long-protracted warfare carried on within the country.

That the Silver-Mines of Laurion had been worked in remote antiquity, is certain from the testimony of Xenophon[27]; no one indeed ever attempted even to say at what time the ore was first extracted. The working of mines had a very early origin both in the east and in Egypt: for as the precious metals generally lay near the surface of the soil, they would naturally attract the attention even of the mere savage wanderer. Man indeed appears to have been originally endowed with an instinct analogous to that possessed by the bee and the beaver; an instinct subservient to the ends of social union (to which man, as Aristotle truly says, is determined by the command of nature), yet at the same time not incompatible with those higher endowments which are requisite for the establishment of civil society; with the advance of civilization however its use and existence gradually disappeared, and the original acuteness in the mental perceptions gave place to a more simple state of these functions; in the same manner that the instinct of animals and the quickness of their senses are diminished by taming. But, next in order to husbandry and the keeping of cattle, the most essential requisite for a social life is the possession of metals. Without therefore incurring the charge of fanciful speculation, we may infer that, as mankind discovered the food suited to their wants by the instinct of nature and not by accident, in the same way also they were led to seek after metals and to perceive their uses. This supposition is equally removed from two opposite and impro-

[27] De Vectig. 4. 2.

bable suppositions, either that the human race was in its earliest stages in a state of brutish savageness, or that it was possessed of a high degree of illumination and wisdom; between which extremes the truth is to be looked for. But whether the art of mining in general had so remote an origin in Greece is in itself another question. It is certain however that many mines in this country were first worked by inhabitants of Asiatic nations, as for instance those of Thasos by the Phœnicians. The Athenian silver-mines indeed appear to have been opened long after the emigration which probably took place from Egypt. Whatever Xenophon may say of the early period at which they were worked, the scarcity of silver in the time of Solon proves that no systematic or artificial process of mining could at that time have been established. But in the time of Themistocles, before Xerxes' expedition against Greece, when at the advice of that statesman a large fleet was fitted out from the revenues of the mines for the purpose of the Æginetan war, they must have been worked with considerable activity. In the age of Socrates we find indeed that a large number of labourers were employed in the mines by private individuals; but the public revenue derived from them was much lower than in earlier times[28]; and consequently the amount of silver obtained was less considerable: notwithstanding which, Xenophon in his Treatise upon the Revenues entertains such exaggerated notions of the excellence of these mines, that he appears to have believed that they were absolutely inexhaustible; for he states it as an important point that of the district which contained the silver a small part only was worked out, when compared with that

[28] Xenoph. Memor. Socrat. III. 6. 12.

which remained, although the works had been going on from time immemorial; that after innumerable labourers had been employed there, the mines always appeared the same as in the time of their ancestors; and that every thing indicated that the number of labourers in them could never be increased beyond the means of profitable employment. The number of the labourers however, according to his own statement, had already begun to diminish. The majority of the mine-proprietors were at that time beginners[29]; the working of the mines therefore appears to have nearly ceased before the last years of the life of Xenophon (during which the Treatise in question was written), either from the frequency of the wars, or because the poverty of the ores had prevented the proprietors from obtaining a profitable return. In the age of Philip which immediately succeeded, there were loud complaints of unsuccessful speculations in mining; and subsequent experience shewed that the silver-mines could be so far exhausted as to leave no hope of an adequate profit. In the first century of the Christian era, Strabo[30] remarks that these once celebrated mines were exhausted; for, as the farther working of them did not yield a sufficient return, the poorer ore, which had been already removed, was smelted, together with the scoriæ from which the metal had been imperfectly separated in former times. Pausanias in the latter half of the second century after Christ makes mention of Laurion, with the melancholy addition that it had once been the seat of the Athenian silver-mines.

The ore from which the silver was obtained is generally

[29] Xenoph. de Vectig. 4. 2, 3, 25, 28.

[30] IX. p. 275. Plutarch. de Def. Orac. c. 43.

called *silver-earth* (ἀργυρῖτις γῆ or simply ἀργυρῖτις)[31]; but that by this we are not to understand soft earth, may be collected from an expression of Xenophon, who says that the enemy could make no more use of the ores from these mines than of stones. The word *earth* in Greek is of very general application, and may include ores even of solid stone: the Romans also applied the same term to silver-ore[32]. The quality of the ore in the mines of Laurion is no where expressly stated; it is possible however to throw some light upon the subject by a few incidental accounts. As the works of Laurion are always called silver-mines, and as neither lead, copper, or any other mineral is ever mentioned, it is evident that in early times at least, they must have afforded ores extremely abundant in silver, more particularly as the ancients from their imperfect knowledge of chemistry could not make use of ores in which the proportion of silver was inconsiderable. This is also proved by the fact of the ore being called silver-earth, and not lead or copper-earth. Mines of the precious metals are usually more productive nearer to the surface of the soil than at a greater depth, and the quantity of silver contained in many ores diminishes in proportion as they recede from the surface: therefore when the mining penetrated farther into the interior of the mountain, it is not impossible that they met with ores of inferior quality; which partly explains the diminution in the profit already alluded to. The ore of these mines appears moreover to have occurred for the most part in thick

[31] Thus Xenophon, cf. Poll. VII. 98. Ἀργυρῖτις ἄμμος in the grammarians (as e. g. Lex. Seg. p. 280. in v. μίταλλα) is an ambiguous expression, for earth and sand have not by any means the same import in the language of the ancients.

[32] Plin. XXXIII. 31.

layers, since otherwise the whole mountain would not have been so far excavated that nothing was left but supports for the purpose of safety; whereas ores in which the silver composes the larger part of the substance usually occur in veins. Other less distinct traces moreover would seem to prove that a considerable part of the ore was lead-ore containing a portion of silver. It is mentioned by Spon[33], that old men residing in that district remembered a lead-mine, which the inhabitants had suffered to fall into neglect, from fear that the Turks might think proper to work it, and by that means render it productive of injury to them. "Lead," he states, "is brought from the neighbouring places of a more perfect quality than the common kind, as the goldsmiths in the process of purification find some silver in it." To this account however the statement of Wheler[34] is most strikingly opposed, who in a journey from Porto Raphti along the north eastern coast of Attica to Sunium, within a short distance from the latter place, arrived at a small mountain, where, according to his statement, a large quantity of copper had been formerly obtained, and the Athenian goldsmiths, as was said, found silver in it: this was not however allowed to reach the ears of the Turks, lest the Grand Seignior should make the inhabitants slaves for the purpose of working the mines. The ashes which he there remarked confirmed him in his belief of this statement: to which he adds, that whether there once was in that place a city called Laurion he knows not; if however it did exist, it was assuredly built upon

[33] Travels, vol. II. p. 265.

[34] Ut sup. Hobhouse (*ut sup. p.* 420.) also speaks of copper in this district, but evidently only copying from Wheler, as well as Chandler. Hobhouse likewise saw the heaps of cinders.

the advice of Xenophon, who proposed the erection of a fortress in this place; that probably however it was nearer to the sea, where there is an harbour for the carriers who go to Macronisi, the ancient Helena. Both travellers evidently speak of the same fact; if both are right, we must suppose that there was a mixture of ores, in which copper and lead, as is frequently the case, were combined: the mention of emeralds at Thoricus, of which I shall afterwards speak, may indeed be taken as an indication of the existence of copper ore, although the hill of which Wheler speaks was farther inland, about the place where Besa was situated. Hobhouse saw at Athens a specimen of the ore found a short time previously, but what it was he does not mention. Clarke, who, from his knowledge of mineralogy, was best fitted to give a solution of the difficulty, could learn nothing of the silver-mines[35]. Spon's statement however receives confirmation from an account in an ancient author. According to the Second Book of the Œconomics[36] (which, although not the production of the

[35] Travels, vol. II. part II. p. 577. The quotations from ancient writers made by Walpole in the note on that passage are of very little importance: he also, absurdly states that, the Athenians obtained copper from Laurion; probably however from a misconception of Sophocl. Œd. Col, 57.

[36] Πυθοκλῆς Ἀθηναῖος Ἀθηναίοις συνεβούλευσε τὸν μόλυβδον τὸν ἐκ τῶν Τυρίων παραλαμβάνειν παρὰ τῶν ἰδιωτῶν τὴν πόλιν ὥσπερ ἐπώλουν δίδραχμον, εἶτα τάξαντα αὐτοῖς τιμὴν ἑξδραάχμου οὕτω πωλεῖν. For τάξαντα αὐτοῖς should either be read τάξασιν αὐτοῖς or τάξαντας αὐτούς. The correction which I have adopted was first proposed by Sylburgius; but it is not necessary with the same commentator to write τοῦ Λαυρίου or Λαυρείου, as the mines are called Λαύρεια and consequently also Λαύρια. Salmasius *de Usuris* cap. 9. p. 656. silently follows the true reading: Τυρμιδῶν, the conjecture of Camerarius, does not deserve any notice. Reitemeier in his

writer to whom it is attributed, is not for that reason undeserving of credit), Pythocles the Athenian counselled the State to buy up the lead from private individuals, at the usual price of two drachmas, and having obtained a monopoly, to fix the price at six drachmas. According to the common reading, this lead is supposed to come from Tyre; but would it be possible for any person in such a small country as Attica to propose a monopoly of an article of import, which was not necessarily consumed in any large quantities? Again, if imported lead were meant, it would have been mentioned that the State was to buy it of the merchants, and not of private individuals. How much more obvious would it have been to obtain a monopoly of some domestic product of extensive consumption: if Athenian lead was consumed to any great amount in foreign countries, the State would have made a considerable profit, so long at least as the buyers did not find a market where they could purchase on more advantageous terms. If moreover it is remembered how easily the singular expression τὸν ἐκ τῶν Τυρίων may be altered into the more commodious one of τὸν ἐκ τῶν Λαυρίων, this passage must be considered as a complete proof that the mines of Laurion supplied a considerable quantity of lead; which for evident reasons I will not endeavour to confirm by the fact that Litharge is particularly mentioned as coming from the Athenian silver-foundries. Besides lead, and perhaps copper, ores containing zinc were also found at Laurion, as will be shewn presently. By some gramma-

learned Treatise upon the Arts of Mining and Founding among the Ancients (*vom Bergbau und Hüttenwesen der Alten* Göttingen, 1785.) has too hastily considered the lead from Tyre as of Spanish origin. See p. 18.

rians these mines are called gold mines, without any mention of silver[37]; and the Scholiast of Aristophanes and Suidas explain the owls of Laurion as gold coins. I do not mean to deny that Athens issued gold coins, and the owl would probably have been the device upon them; but there can be no doubt that the staters or tetradrachms, as well as other silver coins which bore this device, were commonly called *owls of Laurion*. The Scholiast of Aristophanes[38] in another passage also mentions that both gold and silver were found at Laurion; but the testimony of so uncertain a witness cannot have any weight against the silence of all good writers. Meletius also asserts (perhaps on the authority of these writers) that between Sunium and Cerateia, and therefore somewhere near Thoricus, there existed mines of gold and silver. An amusing story preserved in some grammarians relates that the Cecropidæ, misled by a false report, once ascended the mountain Hymettus with an armed force, for the purpose of obtaining possession of the golden sand guarded by the warlike ants, and that after many troubles they returned home, without effecting their object[39]; a tale of equal authority with the statements above noticed. If indeed some small portion of gold was mixed with the silver-ore of Laurion, it was far too inconsiderable in quantity to be extracted profitably, with the imperfect knowledge of the art of smelting possessed by the ancients.

[37] Hesych. in v. Λαύρια, Schol. Aristoph. Eq. 1091. Suidas in v. γλαυξ ἵπτανται.

[38] Eq. 361.

[39] Harpocration and Suidas in v. χρυσοχοεῖον, and the passage of Eubulus the comic poet there quoted.

The Emeralds, the Cinnabar, and the Sil of Attica deserve also to be mentioned. Of twelve kinds of emerald, which is the number assumed by the ancients, three were particularly valued, and would at this time be considered genuine emeralds: the other nine were stones resembling emeralds, and, according to Pliny, were all found in copper mines; the best of these were the Cyprian, which, as well as those of Chalcedon, even Theophrastus calls spurious; *a fortiori* then the same exclusion may be applied to the Athenian, among the defects of which Pliny particularly instances their dead colour, and that their green tint was gradually bleached by the light of the sun. They were found in the silver-mines of Thoricus; if therefore Pliny is accurate in his account, as he had just before stated that all the nine spurious kinds were found in copper-mines, it follows that at Thoricus copper-ore was present in the silver-mines[40]. Of cinnabar (κιννάβαρι), with the exception of that brought from India, which belonged to the vegetable kingdom, there were, according to Theophrastus[41], two species, the natural, found in Spain, which was hard and stony; and the artificial, chiefly made above Ephesus. The material from which the latter was prepared was a shining sand of the colour of scarlet or cochineal (κόκκος), which was comminuted and washed down to a fine powder. Callias the Athenian, who worked silver-mines at his own expence, found some of this sand in his mines, which he ordered to be collected, thinking from its shining appearance that it contained gold. Finding himself deceived in this expectation, but still admiring the brilliancy of the sand,

[40] Concerning the emeralds see Plin. XXXVII. 17, 18. Theophrast. de Lapid. §. 46. ed. Hill.

[41] Ut sup. §. 103, 104. αὐτοφυὲς and τὸ κατ' ἐργασίαν.

he hit upon the method of preparing cinnabar from this substance, in the fourth year of the 93d Olympiad[42]. Consequently, although this artificial cinnabar was not made of quicksilver and sulphur, it was nevertheless real cinnabar; which fact, as far as I am aware, has never been pointed out. For although Theophrastus distinguishes it from the natural, it cannot be inferred that he means the spurious kind, since immediately afterwards[43] he gives it to be understood that it was not some peculiar substance manufactured by an artificial process, but that the preparation of art endeavoured to imitate the work of nature. In the same place he treats of the preparation of quicksilver from cinnabar, without remarking that it was necessary for this purpose to have the natural kind; if however quicksilver could be obtained from cinnabar prepared artificially, it was in fact the very substance which we call cinnabar. Pliny[44] also reckons the preparation discovered by Callias as the genuine *minium* or cinnabar, the true test of which was, as he states, its scarlet colour, which distinguished it from the *minium secundarium*, an inferior production of the silver and lead-foundries. But the most complete proof that the artificial cinnabar was derived from an ore of quicksilver is furnished by a comparison of Vitruvius with the two writers already mentioned. The cinnabar above Ephesus was prepared artificially according to the method discovered by Callias: Pliny, upon the authority of a passage of Theophrastus, states with greater accuracy that the Cilbian plain was the precise spot of its manufacture;

[42] Theophrast. ut sup. Plin. XXXIII. 37. Cf. Corsini Fast. Att. vol. III. p. 262.

[43] §. 105.

[44] XXXIII. 37, 40.

now, according to Vitruvius[45], Cinnabar was at this very place prepared, in the manner mentioned by Theophrastus, from a material which consisted in part of cinnabar-dust, and partly of indurated quicksilver-ore, with intermixed drops of quicksilver in a liquid state. According to Vitruvius, quicksilver flowed from the ore itself when exposed to the action of heat. The only distinction then between cinnabar and the sand from which the artificial cinnabar was prepared, was, that in the latter a foreign substance, as it were, was combined, which was separated by washing (in the same manner that in the inflammable cinnabar-ore of Idria the cinnabar is intimately combined with inflammable schist): whereas Theophrastus only calls that natural cinnabar, which was found in an unmixed state. It may be also mentioned, that the *minium secundarium* of Pliny, which was far inferior to the artificial cinnabar of Callias, must have contained cinnabar; for a species of quicksilver, although of an inferior kind, was prepared from it, which, to distinguish it from the genuine *argentum vivum*, was called *hydrargyrus*[46].

Besides the quicksilver-ore, which, agreeably to what has been just said, was found at Laurion, there occurred the substance called *Sil*, which was likewise used as a material for dyeing. The Romans obtained it from different places; among others, within their own territory, about twenty Roman miles from the city; but that which came from Attica was most esteemed[47]. If a vein of it was discovered in the silver-mines, it was followed in the same manner as one of precious metal; since it was much used

[45] VII. 8, 9.

[46] Cf. Plin. XXXIII. 32, 41. and there Harduin.

[47] Vitruv. VII. 7. Plin. XXXIII. 56, 57.

for white-washing and also for painting, to which latter purpose it first was applied by Polygnotus and Micon. In the time of Vitruvius it could no longer be procured from Attica. Pliny, who wrote at a later date, speaks of it as an article still in use, either transcribing the statements of earlier writers, as Salmasius supposes, or perhaps because supplies had been again obtained. Salmasius[48] indeed asserts that sil was the same substance with cinnabar; an error into which he was led by combining the account of Callias having collected a sand, with the fact that so great value was attached to the veins of sil in the Athenian mines; and which, when once adopted, he endeavours to support by other still weaker arguments. The editor of Theophrastus περὶ λίθων assents to his opinion without examination[49]. But were it not sufficient that Vitruvius and Pliny treat of sil and cinnabar in totally different places, the statements with regard to the two substances are in themselves irreconcileable: cinnabar was sold at Rome for 70 sesterces a pound[50], and the Attic sil for only two denarii or eight sesterces: the artificial cinnabar was prepared from solid ore or from sand, while sil is described as slime or mud (*limus*), that is to say, soft earth[50]. Vitruvius, whom Salmasius accuses of error, affords us the clearest explanation with regard to the nature of sil, for he states that its Greek name was ὤχρα, i. e. ochre. Theophrastus[51] distinctly calls ὤχρα an earth, which he opposes to sand; and Dioscorides and Zosimus the chemist particularly mention the Athenian ochre[52]. Sil and cinnabar were therefore

[48] Salmas. Exercit. Plin. p. 1157 sqq. ed. Par.
[49] Ad §. 103.
[50] Plin. XXXIII. 40.
[51] De Lapid. §. 71.
[52] Dioscorid. V. 108. Zosimus ap. Salmas. ut sup.

totally different substances, and by the first (of which the distinguishing marks, as stated by ancient authors, are very obscure) can hardly be understood any thing but an iron ochre, of a yellow colour, sometimes of a darker, sometimes of a brighter shade. I may also remark the great improbability of Salmasius's charge against Pliny and Vitruvius, that they confounded sil with cinnabar, the former having been found in the neighbourhood of Rome; and farther, that there is no necessity for tracing the Greek origin of the name sil, as Italy possessed the same substance (though in less perfection) within her own territory. It may be also observed, that the Γεωφάνιον, which was the subject of the oration of Dinarchus against Polyeuctus, was probably a pit from which sil was extracted. The grammarians expressly state that it was a yellowish earth (γῆ ξανθοτέρα) used by painters; "perhaps," they add, "raddle (μίλτος) or potters' clay, or else earth for other purposes[53]." Ameipsias the Athenian comic poet had also made mention of raddle-pits[54], which is by no

[53] Etym. in v. γεωφανεῖον, Lex. Seg. p. 227. Harpocr. Hesych. and Suidas in v. γεωφάνιον, and the Commentators. Dionys. Halic. in Vit. Dinarchi. The γεωφάνιον in the island of Samos, of which Ephorus treated (Harpocr. in v. γεωφάνιον, Poll. VII. 199. Cf. Marx. Ephor. p. 262 sqq.) differed from this. It might indeed appear from Pollux that Dinarchus had written upon the γεωφάνιον of Samos; but the words ὑπὲρ ὧν ὁ Δείναρχος λέγει, which are wanting in a manuscript, are evidently the production of a later hand; and the speech of Dinarchus against Polyeuctus referred to an offence committed by the latter in Attica, and not in Samos, although this island was at that time planted with Athenian Cleruchi. I content myself with merely pointing this out; the space does not admit of a more detailed examination.

[54] Pollux VII. 10. Phot. in v. μιλτωρυχία: τόπος ἐν ᾧ μίλτος

means inconsistent with what has been said. Farther accounts with regard to the minerals in the Laurian silver-mines I have not been able to find[55].

Of the various artificial processes of mining in use at Laurion a better account could have been given, if what the followers of Aristotle had written concerning metals and mines were still extant. Theophrastus in his Book upon Stones refers to his earlier Work upon Metals, in which they had been treated of in detail; according to the list of Theophrastus's Works by Diogenes, it consisted of two books. It is frequently called the Metallicon, and undoubtingly ascribed to Theophrastus; in one passage however, in which it is cited by Pollux, he adds, "whether the book is the production of Aristotle or Theophrastus;" although in another place he simply mentions Theophrastus. Probably the treatise was first included among the works of the Stagirite, and was subsequently, after critical enquiries, correctly assigned to his pupil. Although the fragments preserved are inconsiderable, they shew that this great natural philosopher had paid a particular attention to mining or the art of founding[56]. His successor, Straton

ὀρύσσεται· οὕτως Ἀμειψίας. Cf. Hesych. in v. μιλτωρυχία, and Eustath. ad Il. B. 637.

[55] As a circumstance worth remarking, it may be mentioned, that of the Attic honey, which was much esteemed, that made in the neighbourhood of the silver-mines held the second rank after that of Hymettus, and bore the name of ἀκάπνιστον or ἄκαπνον. Strabo IX. p. 275. Cf. Plin. Hist. Nat. XI. 15.

[56] Theophrast. de Lapid. §. 3. περὶ μὲν οὖν τῶν μεταλλευομένων ἐν ἄλλοις τεθεώρηται: in this sentence the expression μεταλλευόμενα should be remarked, which was intentionally chosen, as μέταλλον properly signifies a mine. Alexander of Aphrodisias (see Menage ad Diog. Laërt.) also calls the Treatise περὶ τῶν μεταλλευομένων;

of Lampsacus treated of the machinery used in mining (περὶ τῶν μεταλλικῶν μηχανημάτων)[57], by which we are to understand all the artificial contrivances. Athenæus[58] also mentions a *Metallicon* of an unknown author, named Philon; where it is evident from the context that among other subjects mention was made of the Egyptian mines, which had been described by Agatharchides and Diodorus. The information given by Reitemeier in his ingenious treatise on the "Arts of Mining and Founding among the Ancients," concerning the system of labour in the Athenian mines, though superior to what he has said upon the other branches of the art, has by no means rendered a more circumstantial investigation superfluous. It will therefore be necessary that the subjects connected with this question, and especially the system of founding, should be considered independently of that Essay[59].

it does not however by any means follow from this, that it did not embrace the system of mines and foundries. Diog. Laërt. V. 44., and from him Suidas in v. Θεόφραστος, have the general name περὶ μετάλλων, as in later times μέταλλον signified both mine and metal, without any distinction. The other places in which the book is quoted are Olympiodorus ad Aristot. Meteor. III. ὁ μέντοι τούτου (Ἀριστοτέλους) μαθητὴς ἔγραψεν ἰδίᾳ περὶ ἑκάστου μετάλλου, Pollux VII. 99. X. 149. Harpocrat. in v. κεγχρεών, and thence Suidas, and Hesychius in v. προσφανῆ, σκαφῶν, σύζωσμα.

[57] Diog. Laërt. V. 59. This is the true name of the book; the various readings and Menage's attempt at emendation are equally to be rejected.

[58] VII. p. 322. A.

[59] The Treatise of the Abbot Paschalis Karyophilus *de antiquis metallifodinis* (Vienna, 1757.) I have not been able to refer to; from his Essays *de Marmoribus Antiquis* and *de Thermis Herculanis et de Thermarum usu* little however can be expected.

The mines at Laurion were worked either by shafts (φρέατα, *putei*) or adits (ὑπόνομοι, *cuniculi*); and by neither of these two modes of working did they, in the time of Xenophon, arrive at the termination of the ore[60]: for the chambering of the mines timber was probably imported by sea[61], which according to Pliny was the case also in Spain[62]. Hobhouse[63] mentions that one or two shafts have been discovered in a small shrubby plain not far from the sea, on the eastern coast; and if the hole which Chandler[64] saw upon mount Hymettus, was really, as he conjectures, a shaft, it follows that some at least had a considerable width, for the circular opening was of more than forty feet in diameter; at the bottom of the hole two narrow passages led into the hill in opposite directions. It was also the practice, according to Vitruvius, to make large hollows in the silver-mines[65]. The pillars, which were left standing for the support of the overlying mountain, were called ὄρμοι; and more commonly μεσοχωνεῖς[66], as they at the same time served for the divisions

[60] Xenoph. de Vectig. 4. 26.

[61] Demosth. in Mid. p. 568. 17.

[62] XXXIII. 21.

[63] Ut sup. p. 417. the following is the entire passage: *One or two of the shafts of the ancient silver-mines, for which this mountainous region was so celebrated, have been discovered in a small shrubby plain not far from the sea, on the eastern coast; and a specimen of one, lately found, was shewn to me at Athens.*

[64] Travels chap. 30.

[65] VII. 7.

[66] Vit. X. Orat. in Plutarch. vol. VI. p. 256. ed. Tübingen. Pollux III. 87. VII. 98. Lex. Seg. p. 280. Phot. p. 191. who expressly states them to be boundaries. They are called ὄρμοι in Lex. Seg. p. 205. ἀποσίσχειν τοὺς ὄρμους τοῦ μεταλλου: ἀποσίξαι τὸ

between the different compartments or, as they were called, *workshops*. As these pillars contained ore, the proprietors were tempted by their avarice to remove them, although by law they were strictly prohibited from doing so: in the time of the orator Lycurgus the wealthy Diphilus was condemned to death for this offence [67]. The opening of new mines was called καινοτομεῖν or καινοτομία [68], and on account of the great risk and expence, no one would willingly undertake it. If the speculator was successful, he

διασεῖσαι καὶ κινῆσαι. ὄρμοι δέ εἰσιν ὥσπερ κίονες τοῦ μετάλλου, οὗτοι δ' ἦσαν καὶ ὅροι τῆς ἑκάστης μερίδος, ἣν ἐμισθώσατο παρὰ τῆς πόλεως. The paragogic ν of ἀποσείσχειν alone shews that the gloss is corrupt, and if ἀποσίσχειν be substituted, this, as well as the aorist ἀποσίξαι, remains unknown and suspicious: but the sense is clear. It refers to the cutting or working of the supports of the mines, by which they were undermined and shaken, so as to create a danger of the overlying mass falling in, which in the Lives of the Ten Orators is called τοὺς μεσοκρινεῖς ὑφελεῖν and in *Lex. Seg.* p. 315. ὑπορύττειν τὸ μέταλλον. To the same supports refer two other glosses in *Lex. Seg.* p. 286. which perhaps belong to one another; ὁμοερκεῖς κίονες: οἱ τῶν μετάλλων κίονες, and ὅροι: ὅτι κατὰ μέρη τινὰ ἐμισθοῦντο τὰ ἀργυρεῖα, ὅροις διακεκριμένα. [In a fragment of a Rhetorical Lexicon published by Mr. Dobree after his edition of Photius, the following gloss occurs (p. 673.); Μεσοκρίνη (μεσοκρινεῖς): οὕτω δὲ λέγονται οἱ ἐν τοῖς ὕπο γῆν ἔργοις πτύλοι, οἳ ὑποβαστάζουσι τὰ βάρη τὰ ἐπάνω τῶν μετάλλων· εἰσὶ δὲ ἐξ αὐτῆς τῆς γῆς καταλελειμμένα ὑπερείσματα. They are also called κίονες in an Inscription in Böckh's Inscript. vol. I. p. 288.] Concerning the supports used in mining by the Romans see J. C. J. Bethe *Commentatio de Hispaniæ antiquæ re metallica ad locum Strabonis* lib. III. Göttingen 1808. 4to. which Treatise may be also consulted upon the other technical subjects, for which I have not referred to it.

[67] Vit. Dec. Orat. ut sup.

[68] This expression was translated from the particular sense of opening fresh mines to signify any thing new. Pollux VII. 98. Photius in v. καινοτομεῖν.

was amply remunerated for his undertaking, if unsuccessful, he lost all his trouble and expence: on which account Xenophon proposed to form companies for this purpose, of which I shall afterwards treat. The ancients speak in general terms of the unwholesome evaporation from silver-mines [69], and the noxious atmosphere of those in Attica is particularly mentioned [70]; although the Greeks as well as the Romans were acquainted with the use of shafts for ventilation, which the former called ψυχαγώγια [71]. In what manner the water was withdrawn from the mines, we are not informed; it is however probable that the Greeks made use of the same artificial means as the Romans [72]. The removal of the ore appears to have been performed partly by machines and partly by men, as was the case in Egypt and Spain, in which latter country, the younger slaves brought the ore through the adits to the surface of the soil: whether however the miners in Attica used leather bags for this purpose, and were on that account called *bag-carriers* (θυλακοφόροι), is, to say the least, uncertain; for according to the grammarians these bags contained their food [73]. The stamping of the ore at the foundries

[69] Casaubon ad Strab. III. p. 101.

[70] Xenoph. Socr. Mem. III. 6. 12. Plutarch. Comp. Nic. et Crass. init.

[71] Lex. Seg. p. 317. and Etym. in v. ψυχαγώγια: αἱ θυρίδες τῶν μετάλλων αἱ πρὸς τὸ ἀναψύχειν γιγνόμεναι.

[72] Concerning these see Reitemeier ut sup. p. 114 sqq. Bethe, ut sup. p. 32 sqq. Ameilhon in the Mémoire quoted below p. 494.

[73] Poll. VII. 100. X. 149. with the commentators, and Hesychius in v. θυλακοφόροι, according to whom they were also called πηρεφόροι. Both θύλακος and πήρα generally mean a small bag, such as a travelling bag or a bag for carrying bread.

in order to facilitate its separation from the useless parts of the stone, was generally performed in stone-mortars with iron pestles. In this manner the Egyptians reduced the gold ore to the size of a vetch, then ground it in hand-mills and washed on separate planks, after water had been poured over it; which is the account given by a Hippocratean writer of the treatment of gold ore[74]. In Spain it was bruised in the same manner, and then, if Pliny does not invert the proper order, first washed and afterwards calcined and pounded; even the quicksilver-ore, from which cinnabar was prepared, was similarly treated; that is, first burnt, in which operation a part of the quicksilver flowed off, and then pounded with iron pestles, ground, and washed[75]. In Greece the labourers in the foundries made use of a sieve for washing the comminuted ore, and it is mentioned among the implements of the miners, by the appropriate name σάλαξ[76]. This method of treating ore was not only in use in ancient times; but it was the only one employed either during the middle ages or in more recent times, until the discovery of stamp-works[77].

Upon the art of smelting in the foundries of Laurion,

[74] Diod. XIII. 12, 13. Agatharchides de mari rubro ap. Phot. Bibliothec. p. 1342. Hippocrates de victus rat. l. 4.

[75] Plin. XXXIII. 21. *Quod effossum est, tunditur, lavatur uritur, molitur in farinam*: the addition, *ac pilis tundunt* appears to refer back to *tunditur*, but its position is such that the passage is perhaps corrupt.

[76] Poll. VII. 97. X. 149.

[77] Upon this subject see Beckmann History of Inventions vol. V. part I. num. 3. Chassot de Florencourt upon the mines of the ancients (Göttingen 1785.) p. 24 sqq. Reitemeier ut sup. p. 121 sqq.

nothing definite is known. That the Athenians made use of the bellows and of charcoal is not improbable, the latter indeed may be fairly inferred (notwithstanding the doubts expressed by Reitemeier) from the account of the charcoal-sellers, or rather charcoal-burners; from which business a large portion of the Acharnians in particular obtained their livelihood. The art of smelting among the ancients was so imperfect, that even in the time of Strabo, when it had received considerable improvements, there was still no profit to be gained by extracting silver from lead-ore in which it was present in small proportions[78]; and the early Athenians had in comparison with their successors (who were themselves not the most perfect masters of chemistry), so slight a knowledge of the management of ore, that, according to the same writer, not only was that which had been thrown away as useless stone subsequently used; but the old scoriæ were again employed for the purpose of extracting silver[79]. According to Pliny[80], the ancients could not smelt any silver without some mixture of lead (*plumbum nigrum*) or grey lead (*galena, molybdæna*); he appears however only to mean ores in which the silver was combined with some other metal to which it has a less powerful affinity than to lead. At Laurion it was not necessary, at least in many places, to add any lead, it being already present in the ores. Pliny states in general terms the manner in which argentiferous lead-ores were

[78] On this point see Beckmann ut sup. vol. IV. part III. p. 333. Chassot de-Florencourt p. 37, 51. Reitemeier p. 133.

[79] Strab. IX. p. 275. καὶ δὴ καὶ οἱ ἐργαζόμενοι τῆς μεταλλείας ἀσθενῶς ὑπακουούσης τὴν παλαιὰν ἐκβολάδα καὶ σκωρίαν ἀναχωνεύοντες εὕρισκον ἔτι ἐξ αὐτῆς ἀποκαθαιρόμενον ἀργύριον, τῶν ἀρχαίων ἀπείρως καμινευόντων.

[80] XXXIII. 31.

treated[81]; and there can be no doubt that this was the method adopted in Attica. According to his account the ore was first melted down to *stannum*, a composition of pure silver and lead: then this material was brought to the refining oven, where the silver was separated and the lead appeared half glazed in the form of litharge, which as well as grey lead the ancients call galena and molybdæna: this last substance was afterwards cooled, and the lead (*plumbum nigrum*, μόλυβδος, to distinguish it from tin, *plumbum album*, or *candidum*, κασσίτερος) was produced. Here the investigation into the technical part of this question would terminate, were it not necessary to enquire what is meant by the Athenian *spuma argenti*, by κέγχρος and κεγχρεών, and, lastly, by the substance called *Lauriotis* from Laurion.

The *spuma argenti*, which was employed in medicine, was chiefly a product of the silver-foundries; and according to some authorities there were three kinds of it; the best called Chrysitis, the next Argyritis, and the worst Molybditis, which appear to have differed principally in the colour, although, according to Pliny, the first was made from the ore itself, the second from silver (i. e. probably it was produced at the smelting of silver); and the third from lead, as at Puteoli. "There is the same difference," he observes, "between it and scoriæ, as between foam and froth.—The former is the impure portion (*vitium*) of the substance given off during the process of purification.—The latter when it is already purified."

[81] XXXIV. 47. cf. Beckmann ut sup. vol. IV. part 3. p. 332—335. Chassot de Florencourt p. 35 sqq. Upon the method of the ancients of striking the metal during the process of fusion see Reitemeier p. 79 sqq.

The Athenian was considered the best. Dioscorides and other Greek writers call it lithargyrus[82]. As some writers mentioned by Pliny called a species of it molybdæna, which is the term for litharge, and the Italians and French call the same substance by this name (*litargirio*, *litargio*, *litarge*), the common opinion is certainly probable that *spuma argenti* is the same as litharge; which, as being a separation of the impure part of the ore in the second stage of refinement, and having an unmetallic appearance, might be called the *vitium* of the purified substance, in opposition to the slacks which ran off during the smelting of the ore, and were separated while the ores still contained a large proportion of unmetallic substance, until the metal consisting of silver and lead appeared. Those who were less accurate in their language might at the same time consider litharge as slacks, and therefore lithargyrus as coming under that denomination[83]. *Spuma argenti* was however also different from molybdæna or litharge, for that litharge was called the best which looked like lithargyrus[84]; but in order not to be misled by this statement, it must be borne in mind that by *spuma argenti* and *lithargyrus* we should understand a species of litharge particularly prepared for medicinal purposes, which differed not essentially, but only by a contrary treatment, from the common molybdæna; and this explanation removes all difficulties. The expressions κέγχρος and κεγχρεών are more obscure. The latter is a term used by a plaintiff in an oration of Demosthenes[85]

[82] Plin. XXXIII. 35. chiefly from Dioscorid. V. 102. comp. Oribasius XII. fol. 228. B. quoted by Harduin, who however does not entirely agree with the other writers.

[83] See Salmas. Exerc. Plin. p. 1079, 1082.

[84] Dioscorid. V. 100. cf. Plin. XXXIV. 53.

[85] In Pantænet. p. 974. 15.

for a foundry in the Laurian silver-mines, without however any account as to its nature. The explanations of the grammarians are so indefinite and obscure that they appear to have had little knowledge of its import. Photius and the compiler of the Rhetorical Lexicon[86] state that κεγχρεὼν was a place at Athens—i. e. in Attica—where the ἀργυρῖτις κέγχρος and the sand from the mines were purified. It may therefore mean the impure substance from which the comminuted ore was washed. In this case it would have been called κέγχρος or *millet*, from having been first bruised or washed down to the size of a grain of millet, in the same manner as it is said that in the Egyptian foundries the gold ore was ground down to the size of a vetch: but we are compelled by other statements to give up this idea. Pollux[87] observes that the slacks of iron were called σκωρία (which was the general name for all slacks), as the flower of gold was called ἀδάμας and the impurity of silver κέρχνος; which is only a different form of κέγχρος. The latter evidently cannot here mean pounded ore; but must signify a refuse given off in the smelting of the silver-ore, as scoria in the case of iron and adamas in that of gold. The ἀδάμας is, according to the clear account of Plato[88], a substance unknown to us, of a

[86] Lex. Seg. p. 271. Κεγχρεών: τόπος Ἀθήνησιν οὕτω καλούμενος, ὅπου ἐκαθαίρετο ἡ ἀργυρῖτις κέγχρος καὶ ψάμμος ἡ ἀπὸ τῶν ἀργυρίων ἀναφερομένη. Similarly Pliny in the first article.

[87] VII. 90. Ταύτης δὲ (γῆς σιδηρίτιδος) τὸ κάθαρμα σκωρίαν ὠνόμαζον, ὥσπερ τοῦ χρυσοῦ τὸ ἄνθος ἀδάμαντα καὶ τὸν τῶν ἀργυρίων κονιορτὸν κέρχνον. Κονιορτὸς is ἀκαθαρσία: see Salmasius Exerc. Plin. p. 1082.

[88] Polit. p. 303. E. Tim. p. 59. B. In Pliny XXXVII. 15. some diamonds are called *cenchri*, where Salmasius supposes a confusion of the true diamond with this impurity given off in the

black colour, and great brittleness, like copper and silver intimately combined with gold, only separable in the fire; and called the *flower of gold* by Pollux, probably from its being an efflorescence arising during the fusion of this metal. The nature however of the impurity which in the fusion of silver was called κέγχρος, cannot be determined with certainty, our knowledge of the smelting processes of the ancients being very imperfect; but the opinion of Salmasius[89] appears to me most probable, that κέγχρος and *spuma argenti* or *lithargyrus* are identical. The different names do not render it necessary to consider the substances as materially unlike, as slight variations determined by the different processes adopted might be differently signified: in what manner however the litharge was obtained which bore the name of κέγχρος, we shall presently see. That Pollux should call κέγχρος an impurity of the metal, although, as being litharge, it was a substance that could be applied to various uses, cannot be a matter of surprise;

fusion of gold. Harduin is of a contrary opinion, and although Pliny as well as his interpreter Salmasius frequently confound different subjects, yet diamonds may really have been called κέγχροι from the small size of grains of millet, in the same manner that another stone in Plin. XXXVII. 13. is called *cenchritis*. I have hoped in vain to find an investigation upon the adamas arising in the fusion of gold in Ameilhon's *Mémoire sur l'exploitation des mines d'or*, in the Mém. de l'Acad. des Inscriptions vol. XLVI. p. 477 sqq. although in p. 565 sqq. he treats of the smelting and purification of this metal. I may also mention that this Memoir might have been more frequently quoted than it has by me, as several points are well explained in it: but most of the subjects treated there are too remote from my purpose, or are already mentioned in other well-known books.

[89] Ut sup. p. 1078—1082. in which however there is much error and confusion.

for even the *spuma argenti* is called scoriæ and refuse (*vitium*). If Pollux is correct in classing the adamas with the κέγχρος, we have another reason for considering the latter to be litharge, lithargyrus being called the flower of silver, as adamas the flower of gold. Now Harpocration's obscure explanation of κεγχρεών cannot be reconciled with this supposition. For according to his statement, it means the purifying-place, where the κέγχρος from the metals was cooled, as Theophrastus mentions[90]. The expression receives some light by comparing what is said by other writers of the *flower of copper* (χαλκοῦ ἄνθος, *flos aeris*), the name of which alone seems to prove some affinity or similarity of origin with lithargyrus, or the *flower of silver*. For when the copper has been smelted, and the last impurity or all the foreign parts have been separated from it, it is again, for the purpose of finishing the process, fused in the same or another oven, and cooled in water: by this means an efflorescence is formed upon the surface of the metallic cake, which was called the flower of copper: Dioscorides says that it resembles millet in its form (κεγχροειδὲς τῷ ῥυθμῷ); Pliny compares it with the scales or pods of millet (*milii squamæ*), and the Scholiast of Nicander with mustard-seed[91]. It is easy therefore to see that this process is the same in reference to copper as that of which

[90] Harpocrat. in v. κεγχρεών: τὸ καθαριστήριον, ὅπου τὴν ἐκ τῶν μετάλλων κέγχρον διέψυχον, ὡς ὑποσημαίνει Θεόφραστος ἐν τῷ περὶ μετάλλων. This is copied by Suidas and Photius in the second article. Küster's conjecture ἐργαστήριον for καθαριστήριον, and his acquiescence in the explanation of Photius in the first article, only prove his want of reflexion upon the subject.

[91] Dioscorid. V. 88. Plin. XXXIV. 24. and there Harduin and Salmasius ut sup. p. 1078. Schol. Nicand. Ther. 257.

Harpocration speaks in reference to silver, and that the κέγχρος, which was produced in the silver-foundries, must also have been an efflorescence, in shape like the pod of a vegetable, arising from the cake of silver. In the last stage of the refining of copper, particularly of the inferior kinds, something similar is formed according to the process now in use. It is probable therefore that this κεγχρεὼν at the silver-foundries was in fact the foundry where the silver which had been already fused was refined: the impurity detached in this stage, was called κέγχρος, and perhaps chiefly consisted of glazed lead; and here the silver was again cooled with water. By this method of viewing the subject all difficulty is removed; for that Harpocration should state that the κέγχρος and not the metal itself was cooled is quite natural in a grammarian of considerable authority on other subjects, but ignorant of metallurgy. Schneider[92] explains κέγχρος to be *granulated metal;* but apparently without reason; nor is it at all probable that silver should have been fused in a granulated form. Lastly, with respect to the Lauriotis, it will not be necessary to dwell so long on it. The ancients, as is well known, not only include zinc-ore and calamine under the name Cadmia, but also the refuse, which in the fusion of ores containing zinc adheres to the sides of the oven[93], and they expressly remark that the Cadmia or refuse was found in silver-foundries[94]. They mention in connexion with this substance the flower of zinc (*pompholyx*) as the finest and whitest sublimate, and the *spodos* a similar refuse, but of

[92] Greek Dictionary in v. χαλκάνθη.

[93] See Beckmann History of Inventions vol. III. part 3. num. 3.

[94] Dioscorid. V. 84. From him Plin. XXXIV. 22. and from the latter writer again Isidorus, as quoted by Harduin.

a harder and coarser texture, and of a darker colour, which was scraped off the walls of the oven, mingled with ashes and sometimes with charcoal: both, like the *spuma argenti* and the flower of copper, were used in medicine[95]. The spodos of the silver-foundries was called Lauriotis[96]; a proof that ores of zinc were present in the mines of Laurion. This spodos of Attica was probably much esteemed, since the refuse of silver-foundries (as the ancients remark) was whiter and finer than that which came from the copper-foundries.

It might be supposed that Laurion was also the mint of Attica, as the Athenian silver-coins are called in joke *Laurian owls*[97]; this appellation however they received from the place where the silver was found, and not from the money being coined there; and it is proved incontestably by an ancient inscription that the mint for striking the silver-coins (ἀργυροκοπεῖον) was in Athens. If subordinate corporations in Attica had enjoyed the privilege of stamping money, there might be ground for supposing that mints existed in different Athenian towns: and in fact the writers upon coins mention several supposed to have been struck by individual corporations of Attica, viz. Anaphlystus, the Azetini, Decelea, Eleusis, Eradæ, Lauron, Marathon, and Salamis[98]. There appears however to be no reason for supposing that any one

[95] Dioscorid. V. 85. Plin. XXXIV. 33. Comp. Galen and Oribasius in the passages quoted by Harduin.

[96] Plin. XXXIV. 34. At the conclusion of these technical enquiries I should state that I have been assisted in them by the judgment of two scientific friends.

[97] Aristoph. Av. 1106. Schol. Aristoph. Eq. 1091. Hesychius, Suidas, and other collectors of glosses and proverbs.

[98] See Eckhel. D. N. vol. II. p. 225 sqq.

of them exercised the right of coining before the time of the Romans, particularly as a simple investigation sufficiently proves that most of the coins referred to these places are not of Athenian origin. Who has ever heard of Eradæ or of the Azetini in Attica? which undoubtedly are different from the borough Azenia and Eroiadæ. In order to coin money it was necessary that there should be a corporation: how then could Laurion, which was a mining district, and not a borough, have stamped coins with its name? The supposed inscription ΛΑΥΡΕΩΝ upon two coins in the Museum of Theupoli must be changed with Sestini into ΜΥΡΕΩΝ, and referred to Myra in Lysia, particularly as ΛΑΥΡΕΩΝ is not a form derivable from Laurion, which would be ΛΑΥΡΙΕΩΝ or ΛΑΥΡΙΩΤΩΝ, and not, as Eckhel supposes, ΛΑΥΡΙΩΝ. The coins attributed to Anaphlystus belong to Anactorium, with the exception of a copper coin invented by Goltz. The coins marked with the word ΣΑΛΑΜΙΝΙΟΝ should be referred to the island of Cyprus, where Pellerin obtained them: and others with the letters ΣΑ prove nothing whatever for the Athenian borough. With regard to Marathon, Hardouin alone mentions one coin belonging to it, with the unabbreviated inscription ΜΑΡΑΘΩΝ ΔΗΜΟΣ, a circumstance which makes his statement suspicious. He does not mention the place where it was preserved, and nobody has since seen a similar coin; so that, if the whole is not a mere invention, he had perhaps read upon some coin the initial letters of these words, the explanation of which he gives as a fact. It seems utterly inexplicable how Helena or Cranaë, upon which, as far as is known, there was not even a village, should have struck coins. There can be no doubt therefore that the silver-coins of Helena are an invention of Goltz; and there is no occasion why other coins

of the emperors, with the inscription of the Cranaans, should be referred to the island of Attica: the coin quoted by Hardouin with the wonderfully explicit inscription of ΕΛΕΝΙΤΩΝ ΤΩΝ ΚΑΙ ΚΡΑΝΑΑΤΩΝ could hardly have had a real existence: but a copper coin with the words ΚΡΑΝΑΙΩΝ ΑΘΗ cannot well be referred to any other place than the Attic Cranaë; it must however belong to the times of the emperors, when Cranaë may perhaps have been a borough; probably after the tribe of Hadrian had been instituted, additional boroughs were created in order to fill it. Besides these, there are genuine brass-coins of Eleusis and Decelea, which no doubt also belong to the time of the Roman dominion: and after the great fall which Athens sustained under the Romans, it is easy to conceive that the boroughs were allowed to stamp small copper-coins. The coins attributed to Prasia, the borough of Attica, have been already set aside by Eckhel.

It now remains for us to investigate the following important questions, viz. In whom was the right of property in the mines of Laurion vested? By whom and on whose account were they worked? What advantage did their produce afford to the State and to individuals? And what were the duties, rights, and immunities of the mine-proprietors? With regard to all these points nothing will be found in modern writers but confused statements, or assertions unsupported by any satisfactory proof. The account which I propose to give will be derived from distinct authorities, and founded on a close investigation of the subject. As long as Attica remained free, no direct tax was imposed either upon the produce or value of landed property, except that during the continuance of peace the Liturgies, which were necessary for the service

of the State and of religion, fell upon property generally, and necessarily for the most part upon real (οὐσία φανερὰ) or landed property, which in case of preparations for war was also liable to the Trierarchy and the payment of extraordinary taxes (εἰσφοραί). The circumstances however which determined this liability were directly reversed in the case of mines: the proprietor of these paid an annual tax into the public treasury; to the Liturgies and extraordinary property-taxes from a possession of this kind he contributed nothing. From this fact, which I shall presently put out of doubt, it is fair to infer, agreeably moreover to all accounts on the subject, that mines were not like other lands the freehold property of the citizens, but the absolute possession of the State; and that they were transferred by it to individuals, under certain legal conditions, to make what use of them they should think proper. The Romans for a considerable period let the mines belonging to the State for a term of years, until it was found more profitable to work them at the public cost[99]. Now that this is the most disadvantageous mode of letting has been proved by the experience both of ancient and modern times; for the tenant works them wastefully and unfairly; he rifles the rich ores, leaving the less productive unworked; and while he endeavours by a large number of labourers to exhaust the mines during the period of his lease, he pays no attention to the pillaring and chambering, without which the value of the mines is much diminished. Nor is it easy to enforce from the tenant a strict compliance with the conditions of the lease; and at the expiration of his term the mines are let at a lower rent, having in the interim lost a consider-

[99] Reitemeier ut sup. p. 99 sqq.

able portion of their value. The State of Athens, whether from policy or accident, had avoided this injurious practice: it granted to private individuals the mines in the Athenian territory for perpetual possession in fee, which might be transferred to a third person by inheritance or sale [100]; and in short by every kind of legal conveyance; that is to say, the possession of the mine was a tenancy in fee-farm. The property was therefore obtained by the payment of a sum of money once for all, as purchase or entrance-money. Thus Demosthenes mentions the buying of mines from the State as the ordinary proceeding, and Pantænetus purchased a mine from the People for ninety minas [101]. This sum cannot have been an annual rent, for as its amount depended upon the produce of the mine, it could not have been definitely stated beforehand. There remains now only one objection that can be urged; viz. that it was allowed to open new works without the payment of any purchase-money; and that the money paid by Pantænetus might have been for a mine already opened, which the State had obtained by confiscation, an occurrence by no means uncommon; and to confirm this supposition the argument of the speech against Pantænetus [102]

[100] Æsch. in Timarch. p. 121. Demosth. in Pantænet. passim.

[101] Demosth. ut sup. p. 973. 13. ὅστις ἂν μέταλλον παρὰ τῆς πόλεως πρίηται. And before in the same speech: καταβολὴν τῇ πόλει τοῦ μετάλλου, ὃ ἐγὼ ἐπριάμην ἐννενήκοντα μνῶν. The oration called πρὸς Μήκυθον μεταλλικὸς, falsely ascribed to Dinarchus, began with the words περιάμενοι μέταλλον ὦ ἄνδρες. See Dionys. Dinarch. p. 119. 11. ed. Sylb. Dionysius afterwards calls this μισθώσασθαι, in his own language; which however, as the sale was only a grant in fee-farm, is the natural word, and frequently occurs in the grammarians.

[102] P. 964. 13.

might be cited, in which it is stated that the purchase-money was paid in silver that came from the mine, which implies that the mine was already producing metal. But if this grammarian were worthy of credit as to a fact about which he could not have possessed any better knowledge than ourselves, it does not by any means follow that a confiscated mine is intended; for it could scarcely have been compulsory upon a tenant to pay to the State the purchase-money of a new mine, if, after having expended his trouble and capital, he was unsuccessful in finding any ore. It is far more probable that any person was allowed to dig for ore in those parts of the mountain which had not yet been alienated, and that he was not compelled to purchase the soil until such time as he found productive ores, and was willing to work them. As the contradictory of this supposition would be absurd, it is manifest that the purchase-money even of a newly opened mine might have been paid with silver from the mine itself. Pantænetus however was possessed of other mines besides this one; and it is moreover unnecessary to assume that this silver came directly from the mines. Lastly, it is stated by Harpocration (who generally follows the authority of Aristotle), that the Poletæ had the duty of superintending all sales of public property, particularly those of customs and other duties, of mines, leases, and confiscated property [103]. In this passage the sale of the mines is clearly distinguished from that of leases and of private property accruing to the State, and the mines which were sold must necessarily have been newly

[103] Harpocrat. in v. πωληταί. διοικοῦσι δὲ τὰ πιπρασκόμενα ὑπὸ τῆς πόλεως πάντα, τέλη καὶ μέταλλα καὶ μισθώσεις καὶ τὰ δημευόμενα. This is transcribed by Suidas, Photius, and Lex. Seg. p. 291.

opened. In this conveyance of public property to a tenant in fee, the boundaries of the allotment purchased were accurately defined, and a documentary instrument (διαγραφή) was taken [104]. For this purpose some knowledge of mine-surveying was requisite, which, from the want of the necessary instruments, must have been very imperfect [105]. In addition to the purchase-money, the purchaser paid the twenty-fourth part of the produce of the new mine; that is, of the gross, and not the nett produce, as the amount of the latter would have been too inconsiderable [106]. By these means all the disadvantages

[104] Harpocrat. Suid. and Zonaras in v. διαγραφή. ἡ διατύπωσις τῶν πιπρασκομένων μετάλλων δηλοῦσα διὰ γραμμάτων ἀπὸ ποίας ἀρχῆς μέχρι πόσου πιπράσκεται πέρατος. Upon the boundaries comp. Demosth. ut sup. p. 977. and above note 66. [See Boeckh Inscript. 162.]

[105] See Reitemeier p. 112 sqq.

[106] Suidas and Zonaras in v. ἀγράφου μετάλλου δίκη· οἱ τὰ ἀργυρεῖα μέταλλα ἐργαζόμενοι ὅπου βούλοιντο καινοῦ ἔργου ἄρξασθαι (Zonaras more correctly ἄψασθαι) φανερὸν ἐποιοῦντο τοῖς ἐπ' ἐκείνοις τεταγμένοις ὑπὸ τοῦ δήμου (i. e. the Poletæ) καὶ ἀπεγράφοντο τοῦ τελεῖν ἕνεκα τῷ δήμῳ εἰκοστὴν τετάρτην τοῦ κοινοῦ μετάλλου. Cf. Harpocr. and Suid. in v. ἀπονομή, whose words I will presently quote. That the purchase-money and yearly duty were connected is stated by Barthélemy, Anachars. vol. V. chap. 59. Suidas omits the purchase-money, according to the usual habit of the grammarians of stating the subject imperfectly; what he says of newly opened works is connected with the fact which he wishes to explain, and it is self-evident that the other proprietors paid the rent of the twenty-fourth part. It cannot be shewn that there ever existed any mine which was originally freehold property, and not transferred by the State, and subject to the payment of no tax. It may be observed, that the tax from the melting-furnaces (ἀπὸ καμίνων) of which Xenophon speaks (*de Vectig.* 4. 49.) is the rent of the twenty-fourth.

were avoided which might arise from letting the mines for a term of years. If a tenant exhausted the ore in a short time, the duty upon the metal obtained was augmented; and if he worked the rich ores alone, he injured himself. If the proprietor violated the laws and conditions under which the mine was made over to him, for example, if the annual duty was not paid, the State had power to reclaim it; if however he did not act contrary to the agreement, this species of property was equally secure with other landed estates. In short the circumstances of the tenure were the same as those, which, according to the Roman law, regulated the possession of the Vectigalia in the Municipia [107].

We are justified in assuming that all the mines of Laurion were obtained in the manner just stated; of a distinction between those which were held in fee-farm and others which were freehold property, I have been able to find no trace. All the large proprietors of mines who are mentioned in ancient authors, such as Nicias, Callias the brother-in-law of Cimon, and the other Callias who discovered the method of preparing cinnabar, together with Diphilus, Timarchus, and before him his father Pantænetus, &c. were only tenants in fee-farm; the statement therefore that the mines before the time of Themistocles were the absolute property of families, rests only upon the misapprehension of Meursius [108]. The State was at all times the exclusive and original possessor; nor did it ever use this property in any other manner than by letting it

[107] See Niebuhr Rom. Hist. vol. II. p. 376 sqq.

[108] F. A. cap. 7. from Vitruvius VII. 7. where *familiæ* means slaves, nor is the time before Themistocles distinctly alluded to. Meursius has been followed by several writers, among others by Chandler, Travels chap. 30.

in fee-farm. There no where exists any proof that mines were ever let by the State for a term of years; nor could there have been any stronger motive for working them at the public cost than for the collection of the customs and other taxes; nothing indeed but a gross ignorance of the public policy of Athens could have allowed such a notion to be entertained[109]; and the only fact brought in support of the assertion is, that a revenue was derived by the community from these mines in the age of Themistocles, as if this did not arise from the purchase-money and the yearly rents: even Xenophon did not go so far as to recommend that the mines should be worked at the public cost; he is satisfied with proposing[110] that the community might, in imitation of private individuals, procure public slaves, and let them to mine-proprietors, in connexion probably with such mines as were not as yet alienated; the object being to derive a revenue from the letting of slaves in addition to the rents paid in silver: it can indeed be asserted with safety that no idea of the kind had ever been entertained. In short the State did not in any manner interfere with mining, except that it enforced its own rights and laws; to these points alone its superintendence applied. The Poletæ sold the mines, subject to the payment of the yearly rents. In the observance of the laws all the members of the community had an interest, and were empowered to institute public suits, in the event of their violation. The account given by a modern writer of

[109] As Reitemeier ut sup. p. 70. and Manso, Sparta vol. III. p. 495. suppose. Meiners *vom Luxus der Athener* p. 57. correctly remarks that the State of Athens never carried on mining at its own cost.

[110] De Vectig. 4.

"a director of the mines" appointed by the public, is, as far as I am aware, wholly devoid of foundation. It is probable that the gold-mines in Thrace, opposite to Thasos, from the time that Athens obtained possession of them, were under similar regulations. Whether the former proprietors retained their property in them, or whether new possessors were introduced by the Athenians either by a free grant or by sale, after the manner of the Cleruchiæ, it is certain that the proprietors paid a rent in metal, which practice had probably existed under the former independent government; all new mines were purchased from the people of Athens. But the gold-mines in Thasos and the mines of other subject countries were undoubtedly retained by the tributary State; while Athens exacted from them under the form of tribute whatever sum it pleased, without interfering with the original right of possession. This however is not the object of our present enquiries.

The purchase-money of mines alienated by the State was paid by the buyer directly into the public treasury [111]; but with the annual rent there is some doubt whether this was the case. All the regular duties (even those of which the collection was easy and attended with little expence, and the amount of which could be judged with tolerable accuracy, as for example, the protection-money and the rents of the public lands) were sold to individuals or companies as farmers-general: are we then to suppose that an exception was made in the case of the twenty-fourth of the silver, the amount of which must necessarily have been very different in different years, and where, without an accurate inspection of the quantity raised, the tenant was

[111] Demosth. in Pantænet. p. 973.

able to commit great frauds? It seems therefore probable to me that this duty was sold to a farmer-general by the Poletæ; but, although there is little objection to this hypothesis, no distinct authority can be found in favour of it. It is mentioned in Demosthenes that Eubulus, the well-known manager of the Theorica, had been accused by Mœrocles of unjustly exacting twenty drachmas from "those persons who had purchased the mines[112]." Now there can be no question that the chief farmers of the rents are not here meant by "*the purchasers of the mines.*" We must therefore refer these words to those who had obtained possession of the mines themselves, and from the use of the definite article "*the mines*," it must be supposed that Demosthenes is speaking of some well-known sale of a considerable number of mines, which had taken place a short time before: for it would have been a very affected phrase, and liable to misconception, to denote all the mine-proprietors both old and new, by the circumlocution, "those who had purchased the mines," particularly as they are usually called the workers of the mines (οἱ ἐργαζόμενοι ἐν τοῖς ἔργοις, or ἐν τοῖς μετάλλοις): consequently Mœrocles must be considered as having been employed to collect purchase-monies, in which capacity he obtained under some false pretence twenty drachmas from each purchaser. When the sausage-seller in the Knights of Aristophanes[113] threatens Cleon that he will buy mines, in order, as the Scholiast observes, to obtain favour with the people by enriching the State, he must mean the actual possession of the mines themselves, this being the

[112] παρὰ τῶν τὰ μέταλλα ἐωνημένων, Demosth. de fals. leg. p. 435. 5.

[113] Eq. 361. ἀλλὰ σχελίδας ἐδηδοκὼς ὠνήσομαι μέταλλα.

only transaction by which the State would have profited from the intervention of any particular individual; for it would be manifestly indifferent to whom the duties were let; and moreover if the letting of the duty were signified, some more precise expression must necessarily have been employed. Lastly, it is stated by Ulpian that Meidias had rented *the silver-mines* from the State[114]; although the vagueness of the expression would lead one to imagine that he means the chief farmer of the rents, we are compelled to relinquish this notion upon perceiving that the commentator wishes to explain why Meidias imported wood to the mines, for which a chief farmer of the rents could have had no inducement. Was Meidias then a tenant in fee-farm, or a proprietor of mines? The use of the article proves nothing against this supposition in a writer of such mean authority. Yet why need a moment's attention be paid to the statements of this Pseudo-Ulpian? Is there any Scholiast that rivals the ignorance and confusion displayed in this chaos of notes? Because Meidias imported timber to the mines, perhaps only to sell it there, or during the time that he was bound to serve the State with his trireme, to indemnify himself for the expences of the Trierarchy by employing his ship in some profitable manner, Ulpian immediately concludes from the words of

[114] Μεμίσθωτο γὰρ τὰ μέταλλα παρὰ τῆς πόλεως, ἃ ἦν τοῦ ἀργυρίου, p. 685. C. ed. Wolf. Μίσθωσις for the granting of the mines in fee-farm cannot appear an unnatural expression, as the Greek language had no separate term for this idea. See Photius in v. μισοχειτῖς, Harpocr. and Suid. in v. ἀποτομή, and above notes 66 and 101. All these instances however in which Μισθώσασθαι is used of the mines, occur in later writers, viz. the grammarians and Dionysius. The words for it in the ancient authors are ὠνεῖσθαι and πρίασθαι.

Demosthenes, that Meidias rented mines. This method of commenting frequently occurs in this writer, and has not always been sufficiently attended to.

In the Athenian revenue the income accruing from the mines was a regular receipt[115]; it arose from the purchase-monies and the reserved rent which was paid in bullion, and was exclusive of what was received from the market and the public buildings[116]; and consequently its amount depended upon the greater or less number of mines sold by the State, upon the quality of the ores, and the greater or less activity with which the working was carried on: by which circumstances the tenant would naturally be guided in the amount of his offer. In the time of Socrates (as has been before remarked) the receipts from this source had already begun to decrease; we have also statements of their amount in the age of Themistocles, but obscurely and inaccurately expressed. The money accruing from the mines was originally distributed among all the citizens in the same manner as the Theoricon in later times. Every person whose name was registered in the book of the Lexiarchs was entitled to receive his portion[117]. When however at the recommendation of Themistocles, the Athenians instead of thus wasting the public revenue, resolved to apply this money to ship-building, in the war against the Æginetans, each person was (as Herodotus states) to receive ten drachmas for his share[118]. If we reckon with this historian that there were thirty thousand citizens in Athens, the whole sum must have amounted to fifty

[115] Cf. Aristoph. Vesp. 657 sqq.
[116] Xenoph. de Vectig. 4. 49.
[117] Demosth. in Leochar. p. 1091.
[118] VII. 144.

talents; but it will be better to assume twenty thousand as the average number of the adult Athenians; and accordingly there were about 33⅓ talents for the distribution. And that the distribution was made annually might have been presumed from the principles of the Athenian administration, without the testimony of Cornelius Nepos[119]. We are not therefore to suppose that the savings of several years are meant, nor merely a surplus; but that all the public money arising from the mines, as it was not required for any other object, was divided among the members of the community[120]. Supposing now that among these revenues, no purchase-money of mines in actual possession is included, and that the revenues of a whole year are meant, the total of the produce would have annually amounted to more than eight hundred talents. I say more than eight hundred, as the profit of the chief farmer is not allowed for in the calculation; but according to Polyænus[121], whose account is more explicit, the Athenians wished to divide, as usual, a hundred talents arising from the mines; when Themistocles undertook to wean them from this custom, and persuaded them to give a talent apiece to the hundred most wealthy citizens, to be employed by each in the equipment of a vessel; if the vessel was approved of, the talent was not reclaimed, and in the contrary case it was restored to the State, and that

[119] Themistocl. 2.

[120] I make this remark on account of a passage of Aristides in the second Platon. Oration, on which a sufficiency of absurd fancies has been broached. Cf. Herald. Animadv. in Salmas. Observ. ad I. A. et R. VI. 3. 9. Other passages of later writers which refer to this point of history I pass over, as they contain nothing new.

[121] Strateg. I. 30. 5.

thus the Athenians obtained a hundred well-built and fast-sailing vessels. Now is this account to be wholly rejected as the mere embellishment of later writers? It might indeed appear preferable to discredit it, when we consider that if the State received a revenue of a hundred talents from the mines (exclusively of the occasional receipt of purchase-monies), it would imply an annual produce of 2400 talents, a sum which is incredible; though it is certain that many mines in ancient times, for instance, those of Spain and Thasos, produced a very large amount of metal. But in that case could Herodotus have assumed that the Athenians built two hundred ships with thirty-three or fifty talents? or, taking the lowest statement, would this sum have been sufficient for building even a hundred triremes? And what was done in the following years with the monies received from the mines, as it is not mentioned that they were afterwards distributed [122]? Herodotus probably thought that the two hundred ships were built from the revenues not of one year, but of a term of years. We must also suppose that the hundred talents mentioned by Polyænus were the revenues of several years, which after the adoption of the practice suggested by Themistocles, were no longer distributed, and were laid by that they might be from time to time assigned to each of a hundred Trierarchs. This mode of viewing the subject reconciles both narrations, and is moreover, when considered by itself, the most probable; it also shews that the accounts of some writers who mention a hundred, and of Herodotus who states that two hundred ships were built with the revenues from the mines, may be both true,

[122] Themistocl. 4. Nepos is least of all to be listened to, as he speaks of a war with Corcyra instead of that with Ægina.

if Themistocles' principle had been followed for a considerable period; for if a longer series of years were taken, twice the number of ships would have been built that is stated by those who referred only to half the number of years. Diodorus [123], in the fourth year of the 75th Olympiad, speaks of a law of Themistocles, which enacted that twenty new triremes should be built annually; this however is probably the same fact; and the account, which in other respects may be correct, has been transferred by this careless writer to later times.

Although the mines were not freehold property, the tenure on which they were held was sufficiently secure. It is therefore probable that the fee-farm of the mines could only be transferred to such as were entitled to the possession of landed property, and consequently only to citizens, Isoteles and Proxeni; for the Isoteles had a right to the possession of land [124], since, with the exception of the highest privileges, they were upon the same footing as the citizens; whereas the foreigners in the more limited sense (ξένοι) and the resident-aliens (μέτοικοι), neither in Athens nor in any other part of Greece, had the power of holding landed property. Xenophon proposes that the State should grant to individual resident-aliens, who might appear worthy of it, the right of building houses and holding them as property [125]; from which it is evident that by law they were excluded from this privilege; and indeed the right of possessing landed property was generally granted together with the rights of citizenship, of Isopolitia and

[123] XI. 43.

[124] Lysias in Eratosth. p. 395. according to whom Lysias and Polemarchus, both Isoteles, possessed three houses.

[125] De Vectig. 2. ad fin.

Proxenia, by a decree of the people [126]. Hence no resident-alien could with safety lend money upon landed property, as he was disqualified from taking possession of it without he became a citizen [127], unless indeed it happened that the community gave a special permission: thus for example the government of Byzantium, to relieve itself from one of its many pecuniary difficulties, gave the resident-aliens the privilege of holding the lands mortgaged to them, on condition that they paid into the public treasury the third part of the money claimed [128]. Now that Isoteles as well as citizens were possessed of mines, we know from Xenophon [129]: the requisite privilege of Isotelia must thus have been granted by the public to such of the foreigners or resident-aliens as rented mines from the State, for the furtherance indeed of its own interest, as it was highly beneficial to the revenue that many mines should be purchased and worked, and consequently that the access to them should be facilitated as much as possible; but without being an Isoteles, no resident-alien or foreigner could

[126] Decree of the Byzantines in Demosth. de Corona, and the decrees taken from inscriptions quoted there by Taylor, Gruter p. CCCCXIX. 2. Decree of the Arcadians in Crete in Chishull's Asiat. Ant. p. 119. of the Chaleians in Bœotia in Chandler's Marm. Oxon. II. XXIX. 1. and in many other inscriptions.

[127] Demosth. pro Phorm. p. 946. 4. ὁρῶν ὅτι μήπω τῆς πολιτείας αὐτῷ παρ' ὑμῖν οὔσης οὐχ οἷός τε ἔσοιτο εἰσπράττειν ὅσα Πασίων ἐπὶ γῇ καὶ συνοικίαις δεδανεικὼς ἦν.

[128] Pseud-Aristot. Œcon. Lib. II.

[129] De Vectig. 4. 12. παρέχει γοῦν (ἡ πόλις) ἐπὶ ἰσοτελείᾳ καὶ τῶν ξένων τῷ βουλομένῳ ἐργάζεσθαι ἐν τοῖς μετάλλοις. Ἐργάζεσθαι ἐν τοῖς μετάλλοις is the common expression for the mine-proprietors. I do not quote the passage 4. 22. as only tenants for a term of years may be there meant.

hold a mine in fee-farm, though he might rent the duties for a term of years [130]. With respect to the number of mine-proprietors, there is reason to believe that it was not inconsiderable; in the speech against Phænippus they are mentioned together with the husbandmen as a separate class of producers. Sometimes individuals had one or a few mining-shares, as, for instance, Timarchus and Pantænetus and others; sometimes several, as Nicias, Diphilus, and Callias the brother-in-law of Cimon, whose wealth was chiefly derived from the mines. The value of single shares or work-shops (ἐργαστήρια) was unequal. Pantænetus purchased one from the State for ninety minas [131]; the same person had borrowed 105 minas upon another share together with thirty slaves, that is, forty-five minas upon the slaves of Nicobulus and a talent upon the mine of Euergus, for which sum it was bought from another private individual [132]. It is soon after stated that this was not so, and soon after that it was, and presently that the mine was sold together with the slaves for 206 minas [133]. The customary price appears indeed to have been a talent; thus the mine-proprietor, for whom the speech against Phænippus was written, when the mine in which he had a share reverted to the State, paid three talents, one for each share, when he wished to regain possession of the confiscated property [134]. Nor is this the

[130] Plutarch. Alcib. 5.

[131] Demosth. in Pantæn. p. 973. 5.

[132] Ibid. p. 976. Nicobulus had lent money upon the slaves, Euergus upon the mine, p. 976. 18. p. 972. 21.

[133] Ibid. p. 981. 8. and p. 970. 3. p. 975. 21. p. 981. 8.

[134] P. 1039. 20. καὶ τὸ τελευταῖον νῦν ἐμὲ δεῖ τῇ πόλει τρία τάλαντα καταθεῖναι, τάλαντον κατὰ τὴν μερίδα· μετέσχον γὰρ, ὡς μήποτ' ὤφελον, κἀγὼ τοῦ δημευθέντος μετάλλου.

only instance of several partners in one mine[135]; generally however a mining company appears to have been formed by several persons who combined for the purpose of opening a new work; and afterwards, if fortunate enough to meet with ore, they divided the space into different compartments, which were then worked independently, each person possessing a separate share. Thus these partners only bore the expence and loss in common, until such time as they found a sufficiently rich vein of metal. No arrangement of this kind can however have been in use before the publication of Xenophon's Treatise upon the Revenue[136], for in that tract he recommends that companies should be formed for working new mines, and that the profit or loss should be shared equally by the adventurers; and this sensible proposal appears to have been acted upon. An association of several persons was however sometimes formed for working a single workshop[137]. Upon the boundaries of the mines purchased from the State, the proprietors were required to leave supports, as has been already stated.

[135] Cf. Demosth. in Pantænet. p. 977. 21. 969. 11.

[136] 4. 32.

[137] As may be inferred from Dem. in Pantæn. p. 969. 11. when the grammarians wish to explain the word ἀπονομή, they are in doubt whether it means the State's share in the proceeds of the mines, or the portion which each of several sharers in the profit received. If the latter explanation were correct, we must understand a working in common of the same mine. Harpocration, and Suidas who transcribes him, in v. ἀπονομή: ἡ ἀπόμοιρα, ὡς μέρος τι τῶν περιγιγνομένων ἐκ τῶν μετάλλων λαμβανούσης τῆς πόλεως· ἢ ὡς διαιρουμένων εἰς πλείους μισθωτοὺς (read μισθωτὰς, tenants in fee-farm) ἵν' ἕκαστος λάβῃ τι μέρος. Διίναρχος ἐν τῷ πρὸς τοὺς Λυκούργου παῖδας πολλάκις.

In mining, as in every thing where labour was necessary, the actual work was performed by slaves [138]. Nor can it be proved that in Greece free citizens ever laboured in mines or foundries under the compulsion of tyrants, as has been asserted [139]. The Romans condemned the offenders who had been enslaved by public ordinance, to work in the mines, in the same manner that criminals of this description are now sent to the mines of Siberia: this method of punishment however cannot have existed at Athens, as the community did not carry on any mining at the public expence; nor did it let mines for a term of years together with the labourers, which was only done by private individuals. The master however could probably punish his slaves by forcing them to labour in the mines, as well as in the mills; and in general none but inferior slaves were employed in them, such as barbarians and criminals. Their condition was not indeed so miserable as that of the slaves in the Egyptian mines, where the condemned labourers worked without intermission until they were so exhausted as to fall senseless; but notwithstanding that in Attica the spirit of freedom had a mild and beneficial influence even upon the treatment of slaves, yet myriads of these wretched mortals are said to have languished in chains in the unwholesome atmosphere of the

[138] These are the *familiæ* in Vitruv. VII. 7. where see Schneider.

[139] The instance, which Reitemeier (p. 73.) adduces is not Grecian, but refers to a Persian satrap named Pythius or Pythes of Celænæ in Phrygia, who is said to have been possessed of an enormous treasure in gold. See Herod. VII. 27 sqq. and the commentators.

mines [140]. For this degraded state of their fellow-creatures the Athenians felt no greater compassion than the other nations of antiquity. In vain we seek in the social relations of the Greeks for traces of the humanity which their arts and their philosophy would indicate; and in the same manner that their treatment of the female sex was with few exceptions most unworthy and debasing, so by being habituated to slaves from early youth, they had lost all natural feelings of sympathy towards them. No philosopher of antiquity, not even Socrates, raises an objection against the institution of slavery. Plato, in his perfect state, only desires that no Grecians should be made slaves. Aristotle founds the existing custom upon apparently scientific principles. But who would not be willing to pardon the ancients for their hard-heartedness in this point, which is at variance neither with their morality, their religion, nor their international law, if, after Christianity has extended the influence of milder feelings and dispositions, after slavery has been denounced by all moral, religious, and international laws, the nations of Europe feel no shame in again establishing the same institution, and still bargain and stipulate for it in treaties of peace? As was the case in Italy and Sicily, and has been also in modern times, the insurrection of these hordes of slaves was in Greece neither unfrequent nor unaccompanied with danger. In a fragment of Posidonius, the continuer of the history of Polybius, it is related that the mine slaves in Attica murdered their guards, took forcible possession of the fortifications of Sunium, and from this point ravaged

[140] Athen. VII. p. 272. E. Plutarch Comp. Nic. et Crass. init.

the country for a considerable time; an occurrence, which, if Athenæus expresses himself correctly, must be referred to the time of the first Sicilian servile war, about the year of the city 620, at which time the Romans were already in possession of that island [141]. It is however more probable that it belongs to the end of the 91st Olympiad, about which time, during the war of Decelea, more than twenty thousand slaves, of whom the greater portion were manual labourers, eloped from the Athenians [142]. Yet at that time Sunium could hardly have been a tenable position, as Thucydides would not have failed to mention the capture of it by the slaves. It was first fortified in the fourth year of the 91st Olympiad, for the protection of the vessels employed in importing corn, and probably after it had been recaptured from the slaves, whose ravages could scarcely have lasted beyond a summer. It should be also observed, that of the slaves who worked in the mines, some belonged to the lessees, and for some a rent (ἀποφορά) was paid to the proprietor [143], the maintenance being provided by the person who hired them. The price of slaves varied, according to their bodily and mental qualities, from half a mina to five and ten minas: a common mining-slave however did not cost at Athens, as Barthélemy asserts, more than from three to six minas, but in the age of Xenophon and Demosthenes not more than 125 to 150 drachmas [144]; when it is stated that Nicias the son

[141] Athen. ut sup. and Schweighæuser's note.

[142] Thucyd. VII. 27.

[143] Andocid. de Myst. p. 19.

[144] This may be obtained by Algebra from Xenoph. de Vectig. 4. 23. and by an obvious inference from Demosth. in Pantæn. p. 976. The latter passage has been quoted before. Concerning the different prices of slaves, see vol. I. p. 92.

of Niceratus gave a talent for an overseer of his mines[145], we are to understand a person in whom he could repose great confidence, and to whom he might entrust the superintendence of the whole business, so as to be free from the necessity of employing a tenant, in short, a person rarely to be met with; from this therefore nothing can be inferred with regard to the usual price. Since then slaves were neither dear to purchase nor expensive to maintain, the working of mines was facilitated by the institution of slavery; but as for the most part, compulsion was the only incentive to labour, and little favour was ever shewn to the slaves, the art of mining was necessarily retarded, while the small benefit it received from the exertions of free inspectors or managers, could have been of little avail; and thus the higher character which mining bears in modern times was then altogether wanting. By the hiring of slaves the profit was distributed into various channels, and by this means persons who otherwise would have been unable to advance capital sufficient for so expensive an undertaking, were enabled to engage in this business.

Many persons had a considerable number of slaves in the mines. Nicias the celebrated general (and not the younger Nicias, as has been erroneously supposed) had a thousand slaves there; Hipponicus the third, the son of Callias the torchbearer, six hundred; Philemonides three hundred; and others according to their circumstances[146]. These wealthy and distinguished persons let their mines to contractors, who were either poor citizens, Isoteles, freedmen, or resident aliens[147], or perhaps not

[145] Xenoph. Socr. Mem. II. 5. 2.

[146] Xenoph. de Vectig. 4. 14. and thence Athen. VI. p. 272. E.

[147] Cf. Xenoph. ut sup. 4. 22.

unfrequently slaves belonging to the proprietors themselves, upon the condition that the tenant should maintain the slaves, and pay an obolus a day for each, free from all deduction, and should return the full number which he had received. Thus Nicias received from Sosias the Thracian one mina and two-thirds a day, Hipponicus one mina, Philemonides half a mina. According to Xenophon many slaves in the mines were in his time let upon the same conditions [148]. It does not however appear probable that a rent of so considerable an amount should have been paid for the slaves alone. Now Xenophon, in stating the annual profit of mining-slaves, supposes 360 days of labour, distributing the intercalary month through the several years, and only deducting five holidays. If however we reckon 350 days, and take 140 drachmas as the average price of a common mining-slave, each slave would have produced a return of nearly fifty per cent ($47\frac{11}{17}$) of his value; which, when compared with the far inferior profit derived from more valuable slaves skilled in some mechanical art, is out of all proportion, though these latter were also supplied by their proprietors with the raw material [149]. And although the masters were without doubt paid for the goods thus furnished, yet the procuring them required an outlay of capital, the profit on which was also to be replaced. Are we to suppose that a worker of mines like Sosias the Thracian would not have been more willing to borrow a sum of money for the purpose of buying slaves, than to pay away their whole value in the space of two

[148] Ut sup. 4. 16.

[149] Demosth. in Aphob. I. p. 816. Æsch. in Timarch. p. 118. which passages are examined more at length in another place (vol. I. p. 95, 96.)

years in the shape of rent? If he was able to hire slaves by giving security, he would have been able to find sureties for a sum of money. The profit upon slaves must indeed have been much higher than upon monied capital, as the proprietor lost unless both capital and interest were replaced before their death; and the usual rate of interest being twelve per cent, slaves must have produced more than this percentage; but how wide is the difference between fourteen or fifteen per cent and nearly fifty? Is it not then more probable that Nicias and others, who let slaves in the mines upon these terms, received an obolus a head not for the slaves alone, but for the mines also in which they worked? An instance of a similar lease of a mine jointly with the slaves occurs in the speech against Pantænetus; thirty slaves, together with a workshop, were let for the interest of 105 minas; but the transaction was in fact only fictitious, as the money was in reality lent upon the slaves alone, as will be presently shewn; but any transaction that was done fictitiously must have been a real custom. Are we not also told that Nicias was possessed of several mines? Plutarch indeed remarks[150] that he had wasted his property in this hazardous business; but it is not possible to refer his statement to the letting of slaves, as in that trade no hazard could have existed, the person who hired them being always bound to return the same number that he received, and to provide sureties for the fulfilment of this obligation. To what purpose again did Nicias purchase an inspector of the mines at the price of a talent, if he did not work them at his own expence? He is even said to have maintained a diviner, and to have sacrificed daily for the success of his mines,

[150] Nic. 4. and Comp. Nic. et Crass. in init.

and procured numerous gangs of slaves, with the sole object of employing them for his own profit. The management of them however would naturally have been troublesome to the anxious disposition of Nicias, occupied as he was with both civil and military concerns, and he therefore divested himself of this care by letting both his mines and slaves; a supposition which is at least more probable and simple than that to which we are driven if it is rejected; viz. that Nicias kept a hundred slaves for hire in addition to those who worked in his own mines. According to the former hypothesis, some part of the rent, which amounted to nearly ten talents a year, must be considered as proceeding from the mines. Xenophon, when he proposes that the State should derive similar advantages from the letting of slaves, probably implies that it should be connected with the letting of such mines as were still unalienated, in which it is evident that the lessee who obtained the metal also paid the rent in silver, which Nicias and the other slave-proprietors would doubtless have demanded from their tenants.

So long as the rich ores were not exhausted, the working was extremely profitable to the possessors, especially as the prices of provisions were very low in comparison with that of bullion. Although after the death of Niceratus, who inherited from his father Nicias, less property is said to have been found than was expected, his father was considered as one of the most wealthy citizens: the property of Diphilus, another mine-proprietor, who indeed encroached illegally upon the supports of the mines, amounted, at the time that it was confiscated, to 160 talents[151]; an amount of property which for Athens and

[151] Vit. Dec. Orat. in Plutarch, vol. VI. p. 252. Of the property of Diphilus each citizen received 50 drachmas, which

the age of Lycurgus is very considerable; and when the possessions of Diphilus were in his own hands, they were no doubt still larger, for confiscated property seldom came into the public coffers without suffering some diminution, having been wastefully sold under its proper price. Callias (a person of mean extraction, and not of the celebrated family of Phænippus, who out of love for the sister and wife of Cimon paid Miltiades' fine of fifty talents) had also derived his wealth from the mines[152]; and the Callias who discovered the method of preparing cinnabar, was perhaps his uncle, having been, as is manifest from this fact, personally engaged in the working of mines, and consequently cannot have been the extravagant Callias, the son of Hipponicus, nor was he at all connected with this noble family, as Schneider appears to suppose. We must not on the other hand be surprised, if, in subsequent times, especially when the quality of the ores had been impoverished, many proprietors of mines suffered severe losses, particularly when it is remembered that the working of mines was rendered difficult by the want of gunpowder, that the machinery was imperfect and scanty, and that the management of the foundries was so defective that much metal was lost in fusing. At the time when Xenophon wrote his Treatise upon the Revenue, the greater number of the mine-proprietors were beginners, who were unable, from want of capital, to open new mines, like the former possessors, though this practice

supposes a number of 19200 citizens, thus completely agreeing with the most approved statements. The words in the text, ἢ ὡς τινες φασίν, do not deserve any consideration, whether they are interpolated or genuine.

[152] Plut. Cim. 4. Nepos Cim. 1. For Schneider's opinion see his note upon Xenoph. de Vectig. 4. 15.

was still allowed by the legal conditions[153]; the proprietors were nevertheless at that time increasing their number of slaves[154]. Not long afterwards however, in the time of Demetrius Phalereus, there was no want of willingness to devote capital and trouble to the working of the mines; they mined with so much eagerness, says Demetrius, that they thought they would fetch up Pluto himself; but they generally failed to obtain what they sought for, and what they already had they lost[155]; at last therefore they entirely gave up all farther excavation, and only made use of the scoriæ and the rejected stones. Besides the necessary importation of timber, for which the ports of Thoricus and Anaphlystus and the two harbours of Sunium were employed, the expences of mining were enhanced in bad seasons by the high prices of corn. Upon most regions which abound in ore nature has laid the curse of sterility[156]; and thus Athens, as being the market of Greece, was in its flourishing times supplied with corn by importation; but when it was blockaded by sea, which frequently took place after the loss of its ascendancy, or if prices were raised by a general failure in the

[153] Xenoph. ut sup. 4. 28.

[154] Ibid. 4. 4.

[155] See Demetrius and from him Posidonius ap. Strab. III. p. 101. Athen. VI. p. 233. D. cf. Diod. V. 37. The expression of Demetrius contains an enigma, like the Homeric riddle. See the Commentators upon the author just mentioned, particularly Casaubon upon Strabo; but as the enigma cannot be solved, I have only been able to give the approximate sense of the passage.

[156] The ancients cite the instances of Thasos (see Archilochus quoted by the Interpreters of Herod. VI. 46.) and Hispania Felix: in which few places made an exception. Plin. XXXIII. 21. Strabo III. p. 146.

crops, the mine-proprietors were the severest sufferers, as they had to maintain large establishments of slaves. The medimnus of corn sold at Athens in the time of Solon for a drachma; in the time of Socrates and Aristophanes the common price was from two to three, and in that of Demosthenes from five to six drachmas; but in later times prices advanced so greatly that barley sold for eighteen drachmas[157]: at this juncture even those mine-proprietors were distressed for money, who before had contrived to carry on their business with profit, and they are said to have received assistance from the State; but we are not informed in what manner[158]. We hear however of the mines being confiscated about this time[159]; the cause of which doubtless was, that the possessors were unable to fulfil their obligations to the State; while, as the author of the speech against Phænippus says, the agricultural classes were making undue profits.

Lastly, we may consider some legal regulations respecting the possession of mines. As the right of property in the mines was vested in the People, no compartment of a mine could be worked without information being given to the public officers; and if this was not done, the party offending was subject to a public action for not having registered his mine (*ἀγραφου μετάλλου δίκη*)[160]; the action however could be also brought on by referring

[157] Orat. in Phænipp. p. 1039. 18. p. 1044. ad fin. p. 1045. init. p. 1048. ad fin.

[158] Ibid. p. 1048. 27.

[159] Ibid. p. 1039. 20 sqq.

[160] Suidas and Zonaras in v. *ἀγραφου μετάλλου δίκη*: *Εἴ τις οὖν ἐδόκει λάθρα ἐργάζεσθαι μέταλλον, τὸν μὴ ἀπογραψάμενον ἐξῆν τῷ βουλομένῳ γραφεσθαι καὶ ἐλέγχειν.*

the matter to the Public Assembly (προβολή)[161]. Any person buying a share from the State upon the legal conditions was bound to pay the purchase-money at the appointed time; if he exceeded his term, he was subject to the common proceedings against public debtors, and therefore to infamy, to imprisonment, and to a fine of double the amount[162]; and if the debt thus doubled was not paid, to forfeiture of property, the debt being also inherited by the children until the payment of the fine. If a mine-proprietor did not pay the rent in bullion, the farmer-general was of course empowered to institute a public suit against him. There must however have been this difference between the methods of proceeding against a mine-proprietor and a public debtor, that in the former case the community only laid claim to the mine for which the *twenty-fourth* was in arrear, and not to the whole property of the defaulter; while the obligation to pay the *purchase-money* fell upon the person of the buyer, and by that means upon his whole property; there can therefore be no doubt that if the rent fell in arrear, the defaulter was not liable to the penalty of imprisonment. The speech against Phænippus furnishes a satisfactory example of the confiscation of a mine, in which several persons had a share, without the other property of the

[161] See Taylor, Preface to Demosth. against Meidias, who states this from a Cambridge manuscript, which contains additions to Harpocration. [The manuscript has been published by Mr. Dobree at the end of his edition of Photius; and the whole article here alluded to is in p. 676. as follows. Προβολή: *φανερoῦ μέν τινος λανθάνοντος δὲ μήνυσις· Κεκήλιος (Καικίλιος) δέ φησιν εἶναι ἣν (τὴν) κατὰ τῶν δημόσια μίσθαλλα ὑποφυττόντων· ἀποφέρουσι δὲ καὶ καθόλου τῶν τὰ κοινὰ κλεπτόντων· καλεῖσθαι δὲ οὕτως καὶ τὰς ἐμπορίκας μηνύσεις.*]

[162] Demosth. in Pantæn. p. 973.

proprietors being forfeited to the State[163]; for the person in whose name this speech was composed, possessed other property besides that which was forfeited, which he offers to exchange with Phænippus; and what is more, he had other mines[164], which were not forfeited to the State when the former mine was confiscated. It was only in the case of peculiarly aggravating circumstances that the State could inflict severer punishment upon persons who failed to pay their rent; for, from the nature of suits of this description, the assignment of the penalty rested with the judges. In all cases connected with mines, if it appeared that the State had been injured, the mode of proceeding was by a public action, and generally a Phasis, which was the form when the injury received had reference to the harbours, to embezzlement, or detention of public property, to custom-duties and other taxes, or to sycophancy, and the defrauding of orphans, who were under the immediate protection of the government[165]. An offence which was especially liable to this method of prosecution was the undermining of or encroachment upon the supports[166], which considerably endangered the security of the mines, and also displaced the boundaries. Now the law had not appointed any definite punishment for a large portion of the public offenders, which was particularly the case in all offences prosecuted by Phasis; but the accuser fixed the penalty in the memorial which he presented, and the

[163] P. 1039. 22.

[164] See p. 1044.

[165] Pollux VIII. 47. Epitome of Harpocration quoted by the Commentators upon Pollux, Etymol. Photius, and Suidas, in v. φάσις, Lex. Seg. p. 313, 315.

[166] Lex. Seg. p. 315. φάσις: μήνυσις πρὸς τοὺς ἄρχοντας κατὰ τῶν ὑποργττόντων τὸ μέταλλον. Cf. Phot. ut sup.

defendant made a counter-assessment (ἀντιτίμησις), on which the court exercised its discretion, without being bound by the amount of penalty fixed upon by the litigant parties; the punishment assigned might however be either death, fine, infamy, or banishment; e. g. Diphilus was punished with death, and his property confiscated, for some offence connected with the mines. The Phasis, according to Pollux, was brought before the Archon, by which we are to understand the Archon Eponymus. This Archon however was not the president of the court (ἡγεμὼν δικαστηρίου) in mining cases: we must therefore either assume that if a Phasis was instituted, it was first brought before the Archon Eponymus, who then referred it to the tribunal in which the supreme jurisdiction was lodged; or we must limit the assertion of Pollux to the Phasis in cases of orphans' property, which were certainly introduced by the Archon Eponymus [167]. All mining cases, whether proceeded in by Phasis or by any other method, were introduced by the Thesmothetæ [168]. The court appointed for such causes is called by a grammarian the mining-court [169]. The speech against Pantænetus is a Paragraphe against a mining-action; from this it is evident that a suit like that instituted by Pantænetus as a mining-case belonged to the monthly causes (ἔμμηνοι δίκαι) [170], that is to say, it was necessary that judgment should be given within a month; the object being no doubt that the mine-proprietor might not be too long detained from his business, a

[167] Pollux VIII. 89, &c.

[168] Demosth. in Pantæn. p. 976. 18. Poll. VIII. 88.

[169] Μεταλλικὸν δικαστήριον, in the argument to the speech against Pantænetus p. 965. 24.

[170] Demosth. in Pantæn. p. 966. 17.

preference which was allowed to the mining cases as well as to the proceedings in commercial causes (ἐμπορικαὶ δίκαι), and to litigation concerning dowries and between Eranistæ (ἐρανικαὶ δίκαι)[171]; in commercial cases however; and probably in all others, this regulation was not introduced till after the date of Xenophon's Treatise on the Revenue, in which it was proposed that a more rapid progress should be allowed to commercial suits: in the time of Philip the monthly causes are mentioned as if they had not been previously in existence, and were then but lately introduced[172].

Among the δίκαι μεταλλικαὶ were included all suits which related to the mines, and particularly to the mining-companies, and whatever else was mentioned in the mining-law (μεταλλικὸς νόμος)[173]. Concerning this law we have no satisfactory account; there are only four heads of which we have any information, namely, of encroachment, of expulsion from the business, of arson, and of armed attack; the two latter were without doubt always the subjects of a public action, and the first might certainly take this form of proceeding, if public property was encroached upon; but it is by no means true that all mining-causes were brought on as public actions. If Demosthenes expresses himself correctly, the law was divided into these four parts alone[174]; but cases which referred to the mining-companies belonged also to the mining-suits[175], and as these four

[171] Pollux VIII. 63, 101. Harpoc. and Suid. in v. ἔμμηνοι δίκαι, Lex. Seg. p. 237.

[172] Xenoph. de Vectig. 3. Orat. pro Haloneso p. 79. 18. sqq.

[173] The only passage on the subject of the μεταλλικαὶ δίκαι is in Demosth. in Pantæn. p. 976, 977.

[174] Vid. ut sup. p. 976. 27.—977. 9.

[175] Ut sup. p. 977. 20.

heads contain nothing of the kind, we are compelled to suppose that the enactments concerning encroachment and expulsion from labour mainly referred to partners in the same mine divided into different workshops. It is certain from the speech against Pantænetus that private suits between mine-proprietors and other private individuals, which did not refer to mining, but to any general points of law, with which a mine was incidentally connected, were not of the number of mining-cases; as, for example, if a law-suit arose for a sum of money lent upon a mine: it is evident indeed that such would necessarily be the case. Moreover the actions for not registering a mine, and non-payment of the entrance-money and the rent of the twenty-fourth, did not belong to the mining-causes, nor were they mentioned in the mining law: the first doubtless fell under the head of embezzlement of public property; the second was determined by the laws respecting the public debtors; the third was decided according to the laws relating to the farming of the revenue (νόμοι τελωνικοὶ), and accordingly the Phasis could in such a case be instituted. The clause in the mining-law which prohibited the proprietor from working outside his own boundary, or carrying an adit into another compartment [176], does not

[176] The words in the text are ἐπικατατέμνειν τῶν μέτρων ἐντός. p. 977. 10. It has been thought preferable to unite ἐκτὸς, which certainly makes the sense clearer, but is still an improbable correction. Ἐντὸς appears, like the *citra* of the Romans, to mean both *inside* and *outside*, according as the spectator adopts his station, as Herodotus (III. 116.) says ἐντὸς ἀπέργονται: they exclude without in reference to us, but within in reference to the countries which exclude. Thus ἐπικατατέμνειν ἐντὸς τῶν μέτρων means to cut *outside* your own boundaries, but *inside* the boundaries of those whose property is invaded. Another

require any farther explanation, of which however the other three stand in need; of these one clause relates to persons driving out a mining-proprietor from his business (ἐξειλλουσιν ἐκ τῆς ἐργασίας). *Expulsion* (ἐξούλη) is the term in the Athenian law for obtaining possession of another person's property, when fraudulently taken from the legal possessor; and probably it was only used in reference to immoveables[177]. The action brought by the injured party in such a case as this was called the δίκη ἐξούλης; the same form could also be adopted if a man was interrupted in the enjoyment of what he had bought, *i. e.* taken, from the State, or was obstructed in the prosecution of his business[178]. Again, if any person was declared by judicial verdict to be the rightful possessor, by which he obtained permission to seize the property of his antagonist, and was obstructed in the seizure by the resistance of the actual possessor, this was considered an act of expulsion just as much as the non-payment of a debt by a private indivi-

expression for transgressing the boundaries occurs in p. 977. in the words τοῖς ἕτερον (μέταλλον?) συντρήσασιν εἰς τὰ τῶν πλησίον. Whether the words εἰς τὰ τῶν πλησίον should be struck out is difficult to decide.

[177] According to Hudtwalcker (*von den Diäteten* p. 135.), who goes upon the authority of Suidas, on *moveable* property as well. But the action for the forcible abstraction of moveable property was the δίκη βιαίων. It is therefore probable that the δίκη ἐξούλης only affected moveables when it was an *actio rei judicatæ*, and when the mortgagee was obstructed in the exercise of the right of seizure upon moveable property. See Publ. Econ. of Athens III. 12.

[178] Pollux VIII. 59. ἡ δὲ τῆς ἐξούλης δίκη γίγνεται, ὅταν τις τὸν ἐκ δημοσίου πριάμενον μὴ ἐᾷ καρποῦσθαι ἃ ἐπρίατο. Suidas in ἐξούλης δίκη: καὶ ἀπ' ἐργασίας δὲ εἴ τις εἴργοιτο, δίδωσιν ὁ νόμος δικάζεσθαι πρὸς τὸν εἴργοντα ἐξούλης.

dual to his creditor at the appointed term: in both cases the δίκη ἐξούλης equally obtained [179]. But even without the authority of a judicial verdict, the creditor had a right of seizure over the mortgaged property, whether moveable or immoveable, as soon as the term of payment had expired; and if any resistance was made to him in the exercise of this right, the δίκη ἐξούλης might also be instituted, the mortgaged property being considered as his own, as soon as the time had expired in which his claims should have been satisfied [180]. In like manner a δίκη ἐξούλης could be

[179] The exercise of the right of seizure upon immoveables and ships is generally called ἐμβατεύειν: but in the case of slaves or other moveable property this expression could not be employed. Of the right of seizure by a judicial verdict, and of the δίκη ἐξούλης for not paying a fine (*actio rei judicatæ*), see Hudtwalcker *von den Diäteten* p. 134 sqq.; and with reference to the decisions of the Diætetæ and Arbitrators p. 152, 183.

[180] That the creditor had the right of taking possession of the security, after the expiration of the term of payment, without a judicial verdict, as Salmasius (*de M. U.* cap. 13.) assumes, can hardly be denied. This is clearly shewn by an instance in Demosth. *in Apatur.* p. 894. 5. ἔτυχε δὲ οὗτοσὶ ὀφείλων ἐπὶ τῇ νηὶ τῇ αὐτοῦ τετταράκοντα μνᾶς, καὶ οἱ χρῆσται κατήπειγον αὐτὸν ἀπαιτοῦντες, καὶ ἐνεβάτευον εἰς τὴν ναῦν εἰληφότες τῇ ὑπερημερίᾳ, where there is no question of any previous judicial decision. The passage of the Etymologist in v. ἐμβατεῦσαι is not decisive; but Suidas in v. ἐξούλης plainly distinguishes the δίκη ἐξούλης, which was founded upon a judicial verdict, from the suit which the creditor instituted on being obstructed in the exercise of the right of seizure: ἐδικάζετο δὲ καὶ ἐξούλης καὶ ὁ χρήστης κατέχειν ἐπιχειρῶν κτῆμα τοῦ χρεωστοῦντος καὶ κωλυόμενος ὑπό τινος. In the agreement of Bottomry in Demosth. *in Lacrit.* p. 926. the right of seizing the goods without a judicial verdict is granted in a separate clause. Seizure for debt without a judicial decision occurs in the Clouds of Aristophanes vs. 34.

brought on, if one party asserted that he had purchased any thing and laid claim to it on that ground, while another party claimed it as mortgagee[181]; where this method of proceeding would naturally be allowed to the creditor as illegally deprived of his mortgage, if the purchaser did not recognize his title. Expulsion from a mine might therefore be considered either as a seizure or retention of property, or as obstruction in the use of property purchased from the State, and as an impediment in the prosecution of the business. As however the mining-law contained separate provisions upon this point, expulsion from a mine must have been forbidden under severer sanctions than from other property, or there must have been particular privileges granted to the mine-proprietors against persons who by the general law would have been authorized to take possession of their mines. It appears to me probable, that a creditor, who lent money upon mortgage on a mine, could not, as in the case of other mortgaged property, make use of the right of seizure without the verdict of a court of justice; and that if he ventured to attempt it without such sanction, the debtor could institute the δίκη ἐξούλης against him. For we find that in cases of money lent upon mines, the mines were not given simply in mortgage, as other landed property, but the creditor was instated as legal possessor by a fictitious sale for the amount of the sum lent, and the

[181] Pollux VIII. 95. καὶ μήν, εἰ ὁ μὲν ὡς ἐωνημένος ἀμφισβητεῖ κτήματος, ὁ δὲ ὡς ὑποθήκην ἔχων, ἐξούλης ἡ δίκη. I do not perceive what is the obscurity which Hudtwalcker (*von den Diäteten* p. 143.) finds in these words. It may be observed that the same sense is contained in the words of Suidas just quoted, only that Pollux expresses himself more generally, κωλυόμενος ὑπό τινος. This τὶς is in our case the ἀμφισβητῶν ὡς ἐωνημένος.

debtor was considered as the tenant of the mine upon paying the interest of the principal. Mnesicles had bought from Pantænetus, the son of Telemachus, a mine together with the slaves belonging to it: Mnesicles was properly the creditor of Pantænetus, but he is represented as proprietor of the mine. For when Euergus and Nicobulus engaged to lend money to Pantænetus upon this mine, Mnesicles and not Pantænetus transferred it to them as vendor; Euergus and Mnesibulus then became the proprietors, and let the mine and slaves to Pantænetus, fixing the interest of the principal as a fictitious rent, and appointing a term for the payment of the money and the conclusion of the purchase [182]. Pantænetus afterwards, wishing to satisfy Euergus and Nicobulus, the purchasers, to whom Pantænetus next transferred the mine, were willing to take it upon the condition that the two former should call themselves the vendors of the mine and the slaves [183]. In no place is there the slightest indication that this formality so frequently repeated, was at all unusual or surprising. To what purpose would have been all these tedious proceedings, if a mortgagee had the right of seizing the mortgaged mine without a judicial verdict, and could institute a δίκη ἐξούλης against the debtor for obstruction in the seizure? If however the creditor had no right of seizure upon the mine, prudence required that he should call himself the purchaser, in order to have a better legal title to the possession of the mortgaged property, and not

[182] Demosth. in Pantæn. p. 967.

[183] Ibid. p. 970, 971, 975. An explanation of the whole case is given by Heraldus *Anim. in Salmas. Obser. ad I. A. et R.* IV. 3.

to suffer his claims to be dependant upon the uncertainty of a judicial decision. Many reasons can be thought of why a preference of this kind should have been granted to the mines in regard to mortgaged debts; for example, that the mine-proprietor, after having incurred much expence without any return, might not be subsequently deprived of it against his will, just at the time when he was beginning to reap the fruits of his exertions; or else that the working of the mines might not be interrupted to the prejudice of the State by a seizure of this kind. It hardly requires the authority of Demosthenes [184] to state, that expulsion from the lease of a mine taken by one individual proprietor from another, also authorized the institution of a δίκη ἐξούλης, as it was obstructing the proprietor in the prosecution of his business. The two other heads of the mining-law are very obscure. By arson, or *under-burning*, which is the exact meaning of the Greek expression (ἐὰν ὑφάψῃ τις) [185], we might either understand the burning of the wood used for supporting the mine; or the setting fire to the ores (a practice which was well known to the ancients), for the purpose of undermining the pillars which supported the overlying mass, after they had become infirm. To what the prohibition referred of attacking the miners with arms, and what could have been the inducement to doing so, cannot be now ascertained; so far however is certain, that

[184] Ut sup. p. 968. 6. and p. 974. An instance of the expulsion of a proprietor and not of a mere sub-tenant, was contained in the oration against Mecythus. See Dionys. ut sup. note 101.

[185] Demosth. ut sup. p. 977. 7. Upon the practice of setting fire to the ores as used by the ancients, besides Reitemeier and others Ameilhon as above p. 490 sqq. may be consulted.

armed attack is meant, and not the seizure of the tools or instruments, as Petit imagines [186].

One of the chief preferences enjoyed by the mine-proprietors, was the immunity from taxes, which the laws had allowed to property vested in the mines [187]. The fact itself is unquestionable; but as it occurs in the speech against Phænippus, in which mention is made of the relief which the State had granted to the mine-proprietors, it might be thought that nothing more was meant than a temporary alleviation for the year in which the possessors had sustained a severe loss; a supposition which would apparently be confirmed by the assertion of Æschines [188], that Timarchus had sold his estates, including two mines, in order to withdraw himself from the obligation of serving the liturgies by the concealment of his property. But as Æschines is not accustomed to weigh his words with great exactness, the fear of the liturgies entertained by Timarchus perhaps extended only to his other estates, together with which the mines were only accidentally mentioned; and even if mines did not oblige the possessor to perform liturgies, yet the possession of them strongly confirmed the idea entertained of a man's wealth, and the public opinion on this subject had no inconsiderable influence

[186] In the first law Petit (Leg. Att. VII. 12.) also supposes that the chambering and the pillars of the mines are meant, but expresses himself in a singular manner. The words, ἂν ὅπλα ἐπιφέρῃ, he alters by a most absurd correction: Wesseling has already remarked that arms are meant from the words, πλὴν εἰ μὴ τοὺς νομιζομένους, ἃ προσῆντό σοι, μεθ' ὅπλων ἥκειν νομίζεις. Petit's whole article upon the mining law is as ill executed as most of the other parts of his work.

[187] Orat. in Phænipp. p. 1044. 17.

[188] In Timarch. p. 121.

upon his nomination to the performance of liturgies. In the speech against Phænippus, however, the orator would not have omitted to remark that the immunity from taxes enjoyed by the mines was only introduced a short time before for the purpose of relieving the possessors, if such had been the case; for as the complainant is particularly earnest in urging the welfare of the people in opposition to that of the mine-proprietors, it would have exactly suited his object to mention the preference recently shewn to them; but instead of this, he speaks in a general manner of the laws by which immunity had been granted to the possessors of the mines. It is necessary therefore to consider the exemption of the mines from property-taxes and liturgies, as established by laws of ancient standing; but whether intended as an encouragement to mining or not, is another question. Are we to suppose that the people of Athens from no other motive than that of favouring a particular department of industry, would have exempted a large number of their citizens from all liturgies and taxes for property vested in the mines, including moreover the Trierarchy, from which no one with the exception of the nine Archons had an unqualified and personal immunity[189]; while from the property-taxes, at least according to the statement of Demosthenes, no exemption ever existed? What renders this the more improbable is, that a large portion of the mine-proprietors were extremely wealthy in certain times: and that any person might, when he pleased, have withdrawn himself

[189] A temporary exemption from the Trierarchy was allowed in certain cases, e. g. orphans were exempt during their minority, and for one year over.

from the public services, by purchasing and working mines. My opinion is that this immunity could not have been conceded as an encouragement to mining and mine-proprietors, but only upon a legal principle. The mine-proprietor was a tenant in fee-farm, who was permitted the use of public property in consideration of the payment of a sum of money, and of a portion of the yearly produce as rent. But the property-taxes and liturgies only fell upon freehold property, while the mines, being conveyed by the people under the condition that the tenants made an annual payment to the State, were for this reason considered as tax-free. Whether slaves were included among the property vested in mines, I do not venture to determine: there being however no reason of any cogency why a tax should not have been imposed upon them, it appears to me more probable that by the property in the silver-mines, we are only to understand the mines belonging to a citizen. A legal consequence of the exemption of the mines from taxes was their exclusion from the property which was made over in the exchange (ἀντίδοσις)[190]. Moveables and immoveables belonging to the two parties were conveyed in the exchange from one to the other, all such property being liable to property-taxes and liturgies, with the exception only of the silver-mines, which did not oblige the possessor to perform any of these services.

[There follows in the original an abstract of Xenophon's proposals with respect to the silver-mines in his Essay on the Revenues. But as an account of this plan has been

[190] Orat. in Phænipp. ut sup.

ready given at the end of the fourth book[1], the translator has omitted it here, as a needless repetition. He will however take this opportunity of offering a few remarks upon an argument brought forward by Mr. Boeckh both in his Treatise on the Prices of Slaves, and in the above Dissertation[2].

It is stated by Xenophon to have been a common practice in Attica, to let slaves to be employed in the mines at the rate of an obolus a day for each. The proprietor therefore received for one slave 350 oboli, or nearly 59 drachmas a year[3]. Now the selling price of mine-slaves appears, upon the author's computation, to have varied from 125 to 150 drachmas. "Consequently," he says, "capital laid out in this manner produced an annual return of nearly 50 per cent, a rate so disproportionate to the profits obtained by other modes of investment, that the statement of Xenophon must evidently have another meaning:" and he ends by conjecturing, that the rent of the mine in which the slaves worked was included in this payment of an obolus. Now it should be observed that this conjecture is perfectly gratuitous; and as the passage of Xenophon is both explicit and precise[4], unless

[1] Vol. II. p. 403 sqq.

[2] Vol. I. p. 100. vol. II. p. 474.

[3] That is, if only 350 working days are reckoned. It seems however much more probable that they laboured without intermission; and that if any slave failed from fatigue, the lessor furnished a fresh one.

[4] Xenoph. de Vectig. 4. 14. Νικίας ποτὲ ὁ Νικηράτου ἐκτήσατο ἐν τοῖς ἀργυρείοις χιλίους ἀνθρώπους, οὓς ἐκεῖνος Σωσίᾳ τῷ Θρᾳκὶ ἐξεμίσθωσεν, ἐφ' ᾧ ὀβολὸν μὲν ἀτελῆ ἑκάστου τῆς ἡμέρας ἀποδιδόναι, τὸν δ' ἀριθμὸν ἴσους ἀεὶ παρέχειν . . . . . ἀτὰρ τί τὰ παλαιὰ δεῖ λέγειν; καὶ γὰρ νῦν πολλοί εἰσιν ἐν τοῖς ἀργυρείοις ἄνθρωποι οὕτως ἐκδιδόμενοι.

the obvious meaning of the words leads to a complete absurdity, there is strong reason for not acceding to so forced an interpretation as that proposed. Perhaps however, if the circumstances of the letting are more closely examined, the apparent difficulty may be diminished at least, if not altogether removed. A person engages to supply a large number of slaves for the severest and most unwholesome[5] description of labour, and always to keep that number complete. For this he must speculate in slaves as a dealer speculates in horses; he must purchase large numbers with a certainty that many will be of very inferior value to others; the sick, the weak, and the aged must be maintained, when their labour is of little value. In Attica moreover there was very considerable danger of the elopement of slaves; and in time of war, when once lost, they could never be recovered. On one occasion too the mine-slaves mutinied against their masters, and seized a neighbouring fortress, from which they ravaged the country around for a whole summer; and it is probable that, for this one successful, there were many unsuccessful attempts. It is evident then that all these circumstances, by increasing the risk and expence, would also produce an apparent increase in the amount of profits on capital thus invested. Now it would be easy to pursue the subject farther, and to cite parallel cases of apparently high profits in modern times, when indemnification for extraordinary danger or expence is required: but until the author can bring stronger arguments in favour of his conjecture, what has been said appears to be sufficient; at the same time also falls his other no less improbable supposition, that

[5] Vol. II. p. 441, 469.

Xenophon means in his plan for buying with the public money slaves to be let to private proprietors in the mines, to recommend that mines belonging to the State should be let jointly with them[6].]

[6] Vol. II. p. 475.

Note to p. 417, and p. 439.

SINCE the publication of Mr. Boeckh's Memoir on the Laurian Mines, a more accurate description of the locality has been given by Mr. Dodwell in his Tour through Greece, from whose account the following notices are extracted.

At a short distance from Thoricus, in his way from Athens, Mr. Dodwell observes, "that in some places the road was elevated like a bank, and had the appearance of being artificial; great part of it being composed of scoria from the silver-mines of Laurion (vol. I. p. 534.)..... One hour from Thorikos brought us to one of the ancient shafts of the silver-mines; and a few hundred yards further we came to several others, which are of a square form, and cut in the rock. We observed only one round shaft, which was larger than the others, and of considerable depth, as we conjectured from the time that the stones, which were thrown in, took to reach the bottom (p. 537.). Near this are the foundations of a large round tower, and several remains of ancient walls, of regular construction. The traces are so extensive, that they seem to indicate not only the buildings attached to the mines, but the town of Laurion itself, which was probably strongly fortified, and inhabited principally by the people belonging to the mines..... We observed several large heaps of scoria scattered about (p. 538.)..... We proceeded over the low part of Laurion, and had some difficulty in finding the way to Sunium, to which there was no regular track, &c. Travelling here by night would be attended with almost certain destruction, owing to the numerous shafts, which, concealed by the weeds and bushes, form a treacherous ambush by the way" (p. 539.).

On his return from Sunium, Mr. Dodwell observed, not far from that place, "a great quantity of scoria heaped up near the sea; and a little further inland the shaft of a mine."

Note to p. 430. line 23.

The following passage is from Walpole's Memoirs relating to Asiatic Turkey p. 426.

"When Mr. Hawkins was on his voyage to the Euripus, he was detained by the Etesian winds many days on the coast of Attica, and was enabled to make during that time an accurate examination of the mining district. The result of this mineralogical survey was, the discovery of the veins of argentiferous lead-ore, with which that part of the country seems to abound."

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THE END.

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VOL. I.

Page 135. note 431. *for* τρῖων *read* τριῶν
249. note 155. *for* γραμματις *read* γραμματεύς
250. lines 1, 13. page 251. line 1. *for* Æsitæ *read* Aeisiti *i. e.* ἀείσιτοι
252. note 165. *for* ἔγραψον *read* ἔγραφον
275. line 8. *for* Canephoræ *read* Canephoroe
282. 8. *for* ἐπίθεται *read* ἐπίθετοι
339. 9. *for* and *read* but
374. 12. *for* 150 *read* 105
13. *for* 105 *read* 150
391. 1. *for* view *read* look at

VOL. II.

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74. 17. *for* Exegesis *read* ἀπαγωγὴ
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